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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

House of Lords

Monday 10 October 2016

2.30 pm

Prayers—read by the Lord Bishop of Norwich.

Death of a Member: Lord Borrie

Announcement

2.36 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the death of the noble Lord, Lord Borrie, on 30 September. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

Investigatory Powers Bill: Trade Union and Political Activities

Question

2.37 pm

Asked by ***Baroness Jones of Moulsecoomb***

To ask Her Majesty's Government what plans they have to strengthen provisions in the Investigatory Powers Bill to increase the protection of data relating to trade union and political activities.

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, the Government have already strengthened the provisions in the Investigatory Powers Bill by accepting a Labour amendment to add protections for trade unions. It is already illegal for the security and intelligence agencies to further the interests of any political party. The Bill goes further by putting the Wilson doctrine on to a statutory footing, requiring the Prime Minister's approval for the targeting of parliamentarians' communications in addition to Secretary of State and judicial commissioner authorisation.

Baroness Jones of Moulsecoomb (GP): I thank the noble Earl for his Answer. He has opened up all sorts of trapdoors that I would like to go down, but has he met organisations such as the Blacklist Support Group, the NUJ and Liberty, which have documented evidence of police and security service wrongdoing and illegal activities, so that we can be sure that the safeguards are strong enough?

Earl Howe: My Lords, I have had round-table meetings with a number of organisations, including those representing the journalist profession and freedom of information bodies. The adherence of any public authority to existing legislation is an issue for the commissioners and the relevant courts or regulators, and any complaints can be followed up through those channels. The Bill we are debating provides for a whole range of safeguards in addition to those that currently exist: statutory oversight of the use of investigatory powers and greater powers for the Investigatory Powers Commissioner to carry out investigations. In addition, we are creating a number of offences. I hope the noble Baroness will see that we have done our best to strengthen the safeguards that exist under current legislation.

High-Cost Credit and Debt Management

Question

2.39 pm

Asked by ***Lord Sharkey***

To ask Her Majesty's Government what assessment they have made of the harm to consumers caused by unsolicited real-time promotion of high-cost credit and of debt management solutions.

Lord Young of Cookham (Con): My Lords, the Government have transferred responsibility for the regulation of high-cost credit and debt management firms to the Financial Conduct Authority. This more robust regime is helping to protect consumers better. The Financial Conduct Authority is currently reviewing its consumer credit rules in relation to cold calling, particularly to high-cost credit and debt management, and expects to publish the outcome of the review by the end of the year.

Lord Sharkey (LD): Cold calling is a huge problem. The FCA acknowledges that many of the 30 million cold calls selling fee-paying debt management services were misleading and damaging, and affect the most financially disadvantaged in our society. As the Minister said, the Government promised that the FCA's review of cold calling will be published before the end of the year. Will the review look at why cold calling for mortgages has long been banned but not for high-cost credit or fee-paying debt management services?

Lord Young of Cookham: The answer to the last part of the noble Lord's question is in relation to what happened with the introduction of the right to buy, back in the 1980s. There was some mis-selling by mortgage brokers, targeting council house tenants who had the benefit of a huge discount. They were not really interested in the creditworthiness of those people as mortgage borrowers and that is why that measure was introduced. On cold calling, the Government will introduce legislation through the Digital Economy Bill which will place, via the Information Commissioner, a statutory obligation on a code for cold calling. In this year's Budget, additional provision was made to protect particularly vulnerable people from cold calling.

Lord Watts (Lab): My Lords, should not the Government take action now to put a finite figure on what credit organisations can charge? Normally, the poorest people in the community pay the highest rates of interest.

Lord Young of Cookham: The noble Lord is quite right. That is why we introduced a cap of 0.8% on payday loans. That means if you borrow £100 for a day, the maximum amount that can be paid in interest is 80p.

Lord Naseby (Con): This review being undertaken by the regulator, the FCA, is very welcome. Nevertheless, it is not just cold calling, is it? Advertising is allegedly controlled but I watched an advertisement last night on television that was highly questionable. Is it not a matter of bringing together all the authorities—the

[LORD NASEBY]
Advertising Standards Authority, the FCA and other direct selling bodies—to have not just a review but an action plan to sort this out? Many elderly people are being duped out of thousands of pounds. Is it not time we really took action on this issue?

Lord Young of Cookham: I understand the strong feelings held by many noble Lords on this subject. As I said, in this year's Budget, a large sum of money was identified to help vulnerable people and enable them to stop these sorts of calls being made. On cold calling by debt management companies and credit companies, there is a code they must abide by. If they break the code they can be fined. Last month, one payday loan company had to repay £34 million in redress because it broke those guidelines.

The Archbishop of Canterbury: My Lords, I declare an interest as patron of Christians Against Poverty, a voluntary organisation based in Bradford dealing with debt management. Does the Minister agree that debt management is an area where there is very significant participation by the not-for-profit voluntary sector? Will he undertake to draw the attention of the FCA and other authorities to the participation of this sector so that it may be listened to and its role receive the recognition that will help people in these problems?

Lord Young of Cookham: I pay tribute to the initiative taken by the most reverend Primate in his setting up of LifeSavers, a joint project by the Church and credit unions which the Government helped to finance. That is helping children develop good financial habits at a young age by setting up saving clubs in primary schools, in partnership with credit unions. I also welcome the initiative of the Church of England in establishing the Just Finance Foundation to develop and implement the most reverend Primate's vision of creating a fairer and more just financial system. Of course I will take on board the suggestions he made in his question.

Baroness Kramer (LD): My Lords, do the Government agree that part of the problem is that we have so many different regulators involved with different products—whether it is the Information Commissioner, trading standards or the FCA—that there is complete chaos and no one quite knows where they are protected with which product or who to contact when there is a problem? Is the Minister indicating that in the legislation the Government will bring forward, there will be one responsible individual across the board to co-ordinate that, or is the role he proposes for the Information Commissioner a very narrow one?

Lord Young of Cookham: Of course, the Information Commissioner covers a wide variety of cold callers, whereas this Question is about high-cost credit and debt management solutions. The FCA is currently going through a process of authorising debt management firms and high-cost credit companies, and if they do not meet the high standards of the FCA, they simply will not be allowed to go on carrying out their business. It is not a complete shambles, which I think was what the noble Baroness said. We transferred responsibility from the OFT to the FCA simply because it has a more robust regime for dealing with any misuse of cold calling.

Lord Campbell-Savours (Lab): My Lords, what measures have the Government been able to take in relation to the calls that come from overseas, which I understand are now the majority?

Lord Young of Cookham: If the calls come from overseas, obviously the response that we can take in this country is limited. But if they are calling on behalf of companies based in this country, we can take action because a high-cost credit or debt management company that takes information from a telephone company based overseas has a responsibility to make sure that that overseas company acted in accordance with the code in this country. So we can get at them through the companies based here.

Lord Davies of Oldham (Lab): My Lords, how soon does the Minister expect that the change to the FCA will produce action? This problem has been with us and with large numbers of our fellow citizens for a very long time and the Government are saying, "We need a code". We know exactly what these companies are doing wrong. It is effective identification and then punishment that are required.

Lord Young of Cookham: The FCA has brought right to the front of the queue the process of authorising the firms that the noble Lord referred to. It is going through that process as we speak and hopes to complete it relatively soon, depending on progress. As I said, if those firms do not meet the high standards set by the FCA, they will not be allowed to continue trading.

Baroness Hollis of Heigham (Lab): My Lords, vulnerable and disadvantaged people want, need and desire credit as much as the rest of us do. The problem is, they cannot afford cheap credit because their credit status is not high enough, and I very much welcome the comments of the most reverend Primate. Will the Minister take back two queries to the DWP? First, given that so many people are spending up to 25% of their income on debt repayment—that is coming out of benefit income—can we ensure that jobcentres, benefit offices and other outlets promote the credit union initiative? Secondly, will he ask his colleagues in the DWP to look again at the ending of the Social Fund, which provided regulated, cheap and safe credit for essentials for people, which is no longer available to them?

Lord Young of Cookham: I agree entirely with what the noble Baroness said about promoting credit unions. We want a sustainable financial services sector, and that is why we have invested £38 million in credit unions through the Department for Work and Pensions credit union expansion project. We are also providing half a million pounds to help Armed Forces personnel access credit union services where they want so to do. There are other initiatives we are taking to support the credit union sector, and I will pursue with colleagues at the DWP the suggestion she made about the fund.

Baroness Finlay of Llandaff (CB): Will the Minister confirm that the FCA will ensure that the companies it looks at do not participate in any of the forwarding on of contact details of vulnerable people who comprise the "suckers' lists" that have been exposed, which deliberately target people who are very vulnerable, often with a degree of impaired mental capacity, who are entrapped because of their situation? Many of these people have failed to untick the box saying that their details can be handed on and therefore inadvertently have complied with the compiling of such lists.

Lord Young of Cookham: The noble Baroness has put her finger on the problem: many of these so-called cold calls are not cold calls at all. They are called warm calls in that, perhaps inadvertently, people have ticked a box on a website which has enabled that site to contact them at a later date or, even worse, to share their details with other providers. I hope that the FCA can pick up on this as it goes through the authorisation process. As I said in response to the initial Question, the FCA is reviewing the consumer credit rules in relation to cold calling at the moment and I will ensure that it takes on the very valid point that the noble Baroness has just made.

Baroness Altmann (Con): My Lords, I am delighted to hear that the Government are reviewing cold calling. I would be grateful if my noble friend could confirm that that review will also consider banning cold calling for pensions, in light of the recently introduced freedoms.

Lord Young of Cookham: I take this opportunity to thank my noble friend for her services at the Department for Work and Pensions up to last July—services which are missed by nobody more than myself as I now have to do some of her work. So far as cold calling for pensions is concerned, I note that my noble friend has taken this up since people have been able to switch their pot out of their providers and into something else. I cannot say whether this will be swept up in the review of high-cost credit and debt management but I will certainly see that the point is taken on board elsewhere.

Lord Lea of Crondall (Lab): My Lords, many of the calls that people receive are clearly mendacious. They say, "We are representing a British bank" and then something about compensation, which is just not the case. Will the credibility of any code not depend on the industry itself having a financial responsibility for recompense?

Lord Young of Cookham: I am sure that the noble Lord is correct in what he said but I did not quite catch his question. Perhaps he could repeat it.

Lord Lea of Crondall: Will the credibility of any code, to which reference has been made, not depend on the industry accepting financial responsibility for compensating the people who have been in some sense the losers from the mendacity of the original caller?

Lord Young of Cookham: That is exactly why the FCA has been instituting these fines. As I said, last month it ordered a payday loan firm to repay £34 million to 97,000 customers for unfair practices. Another firm which acquired customer bank details in an underhand way has agreed to a £20 million redress scheme. There is built into this scheme the necessity of those who break the rules compensating those who have been hard done by.

Calais Camp: Lone Children

Question

2.52 pm

Asked by ***Baroness Hussein-Ece***

To ask Her Majesty's Government how many lone children in Calais with family links in the United Kingdom have been allowed into the United Kingdom in the past 12 months.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, under the Dublin regulation more than 80 unaccompanied asylum-seeking children have been accepted for transfer from France into the UK this year, most of whom have arrived in the UK. More arrive each week and we continue to work closely with France to consider and implement transfers.

Baroness Hussein-Ece (LD): That is a very disappointing figure. Does the Minister not recognise that what was an urgent issue is now a child protection crisis? According to the Red Cross, which contributed a report over the weekend, it is taking up to 11 months to process a single child to come to this country. With hundreds of children who have family links and legal rights to come here, why is it taking so long and why has the will of this House—the Dubs amendment was passed on 9 May with support from all sides of this House—not been properly implemented? Even the *Daily Mail* is championing this cause; why are the Government not?

Baroness Williams of Trafford: My Lords, the Government are working very closely with the French Government to ensure that transfers are as speedy as possible. In fact, the Home Secretary is meeting today with Bernard Cazeneuve. In terms of children who meet the criteria under the Immigration Act, 50 of them have been accepted for transfer and 30 have arrived. We now have a dedicated team in the Home Office Dublin unit and we are working with the UNHCR, UNICEF and NGOs, together with Italy and Greece as well as France, to speed up the process.

Lord Dubs (Lab): My Lords, will the Minister confirm that the majority of the children under Dublin III have been identified not by Home Office officials but by British NGOs? Is it not a sad comment that we have to keep on, as it were, complaining to the Government that nothing is happening when they gave an undertaking that they would accept the letter and spirit of the amendment? They are neither doing that nor dealing with children who have long had a right to be here.

Baroness Williams of Trafford: My Lords, I slightly dispute that. We are all working together in the best interests of these children to transfer those who meet the criteria under the Immigration Act as quickly as possible. That process has speeded up in recent weeks and we hope to speed it up further still.

The Lord Bishop of Norwich: My Lords, given the Prime Minister's welcome reminder last week of the good that government can do, does the Minister not agree that at the top of the list for doing good should be traumatised children in Calais who are young and unaccompanied, who often have family already in the UK and who are increasingly endangered by criminal gangs as the demolition of the Calais camp draws near?

Baroness Williams of Trafford: I totally agree with the right reverend Prelate; children are at the top of our agenda. It is not just the Prime Minister who thinks that; I think that we all agree that children, especially vulnerable children, are our top priority. That is why we are working together, by putting additional funding into this, speeding up the process and engaging with officials in the French Government on a daily basis.

Baroness Butler-Sloss (CB): My Lords, we are told that the French authorities are proposing to close the Calais Jungle camp some time in the next month or two, so the question of the children is extremely urgent. I fail to understand what is holding it up now. If there is a dedicated team and everybody else, who on earth is not pulling their finger out?

Baroness Williams of Trafford: The noble and learned Baroness asks a very pertinent question. As we have heard, the camp closure will begin soon. We have put in place various processes—as I have just said, we are speeding up transfers. We are working with NGOs and others to make sure that the process is speeded up. No unaccompanied child—or any other child—should be in the Calais camp. That is why we are redoubling our efforts, together with the French, to get those children to safety.

Baroness Chalker of Wallasey (Con): While not wishing to dispute what my noble friend has just said in answer to another good friend on the Cross Benches, there is a need for the Home Office and other departments to put more staff on to this and not to leave it until there are complaints from Members of this House or another place, or from NGOs. I can envisage just how difficult this is, but you need the numbers to work through the papers as fast as possible—and I say that with a little experience.

Baroness Williams of Trafford: I pay tribute to my noble friend's experience; she has an awful lot in this area. We are putting more staff capacity into this. We are seconding a second asylum expert to France and we now have a dedicated team in the Home Office Dublin unit.

Baroness Jowell (Lab): My Lords, I register my interest as patron of Help Refugees, an organisation working on the ground in Calais with these children. There is a dispute about the number of children who have arrived in this country. There is urgency about processing their cases before the Calais camp is closed. Last time, when part of the camp was destroyed, 129 children disappeared. Will the Minister undertake to provide the House with a list, with identities suitably concealed, of children who have been given entry to this country and placed under Dublin III, as opposed to those children whose cases are being processed under the Dubs amendment—the Dubs children, in honour of my noble friend?

Baroness Williams of Trafford: My Lords, as I said earlier, since the beginning of 2016, 140 children have been accepted for transfer, 80 of whom are from France. Since the Immigration Act, I understand that 50 children have been accepted for transfer, 35 of whom have arrived. I will double-check that the figures are correct, as the noble Baroness seems to think they may not be, but, as I understand it, the figures are correct to date.

France: Dublin Regulation

Question

3 pm

Asked by ***Baroness McIntosh of Pickering***

To ask Her Majesty's Government what representations they are making to the government of France on the application of the Dublin Regulation in that country.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the application of the EU's Dublin regulation on French territory is a matter for the French Government and the European Commission. However, we continue to work closely with France to ensure the effective application of the regulation in cases which engage the UK's obligations, including through regular, official-level contact and ministerial meetings.

Baroness McIntosh of Pickering (Con): I thank my noble friend for that reply but does she not agree that, as a matter of European law, the Dublin convention, as amended by the regulations, should be applied as it was intended, which is that the asylum claim be made at the point of entry? If that had applied from the outset in France, the Calais camps would never have arisen. Will she use her good offices to ensure that when the Calais camps are disbanded, claims are made at the point of entry, in France and in every other country that applies the Dublin regulation as it stands?

Baroness Williams of Trafford: My noble friend makes the very good point that under the Dublin regulation, asylum claims should be made in the first country in which the claimant arrives. I will certainly follow that up on behalf of my noble friend.

Baroness Lister of Burtersett (Lab): My Lords, the Minister talked about an official being sent over to Calais. Is that just a single official? In the damning report that was mentioned earlier, the Red Cross said

that one key way of speeding things up would be for officials—plural—to be sent to Calais as a matter of urgency.

Baroness Williams of Trafford: My Lords, the noble Baroness asks a good question. One asylum expert is already seconded to France and another is being seconded. France and the UK have of course established a senior-level standing committee, and there is regular contact on Dublin and transferring children, including ministerial and senior-official contact, and daily contact between officials. In addition, as I said in answering the previous Question, we have a dedicated team in the Home Office Dublin unit.

Baroness Sheehan (LD): My Lords, does the Minister agree that what we are seeing today—the largest mass movement of people in Europe since the Second World War—is a scenario that the Dublin III convention is unable to deal with? We have to deal with the reality of the situation. What representations have the Government made to the UNHCR to organise and co-ordinate action in the camp, including setting up a proper centre to assess and process claims, so that maybe we can get some progress on moving people to places where they really ought to be?

Baroness Williams of Trafford: The noble Baroness is right—the situation is absolutely terrible. As I said earlier, we are working with the UNHCR, UNICEF, NGOs and the Government to ensure that the process is speeded up. As I said, the Home Secretary is today meeting with Bernard Cazeneuve.

Lord Cormack (Con): My Lords, do not the Answers to both this Question and the last one indicate that it is time the Home Office had as its motto "Action this day", not "Festina lente"?

Baroness Williams of Trafford: My Lords, that is what I have, I hope, been explaining that the Home Office is in fact doing.

Baroness Royall of Blaisdon (Lab): My Lords, the Minister says that there are now going to be two officials in Calais looking into these crises for children. I find that unacceptable, as I think the whole House will. I hope she will take back to the Home Office the fact that we do not think two officials working in Calais is enough. There may be a special unit in the Home Office, which is very welcome, but we need more people on the ground processing these children's applications.

Baroness Williams of Trafford: My Lords, there are not just two officials working on this: there is an asylum expert seconded to France, and another one will be following. There are a number of people, both in France and in this country, working on a number of areas, as I hope I have outlined in answering these two Questions, and funding is going in—for example, to the FDTA—to identify people who are vulnerable to exploitation. There are not just two people working on this; myriad people, both in France and in this country, are working to get children and vulnerable people in particular to places of safety within France.

Lord Roberts of Llandudno (LD): My Lords, some people will remember well that 50 years ago this week, there was a great disaster in Aberfan: 116 children and 28 adults were killed when slurry fell on the school. Would it not be a wonderful commemoration of and tribute to those children if we could say that this week, just before the demolition of the Calais camps, we had this movement now—action this day? Or perhaps members of the Conservative Party agree with the Prime Minister that they are no longer "citizens of the world", with all that that means, and that they are a very narrow, "Little Englander" party—

Noble Lords: Oh!

Lord Roberts of Llandudno: I will repeat that: be citizens of the world and accept these children. Insist that they are brought over now.

Baroness Williams of Trafford: I certainly pay tribute—it is a very good week to be remembering the Aberfan disaster of some 50 years ago. We do not forget these children but we have obligations and processes that we must follow, relating to other laws and child safeguarding, in order to place those children in the appropriate situation for their safety and their future.

Investigatory Powers Bill

Order of Consideration Motion

3.07 pm

Moved by ***Earl Howe***

That the amendments for the Report stage be marshalled and considered in the following order:

Clauses 1 to 7, Schedule 1, Clauses 8 to 12, Schedule 2, Clauses 13 to 53, Schedule 3, Clauses 54 to 57, Clauses 94 to 101, Schedule 6, Clauses 102 to 127, Clauses 58 to 67, Schedule 4, Clauses 68 to 80, Schedule 5, Clauses 81 to 93, Clauses 205 to 219, Schedule 7, Clauses 220 to 223, Clauses 128 to 204, Clause 224, Schedule 8, Clauses 225 to 245, Schedule 9, Clause 246, Schedule 10, Clause 247, Title.

Motion agreed.

Wales Bill

Second Reading

3.08 pm

Moved by ***Lord Bourne of Aberystwyth***

That the Bill be now read a second time.

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, I am pleased to be here today to open this important debate on the Wales Bill. It is an open question when Wales began its devolution journey. Some would begin with the creation of the post of Secretary of State for Wales in 1964 and the establishment of the Welsh Office in 1965, but for many Welsh devolution began in earnest with the referendum in 1997. Parliament has

[Lord Bourne of Aberystwyth]
legislated on Welsh devolution three times since then, in 1998, 2006 and 2014, with each Act seeing an incremental change to the Welsh devolution settlement.

I think it is fair to conclude that Welsh devolution has never achieved a settled state. On the one hand this dynamism is positive, and has encouraged an ongoing and open debate about Welsh devolution and Wales's place in the wider United Kingdom. On the other, the fluidity of Welsh devolution has distracted from focusing on the issues that really matter to people—the economy, jobs and public services in particular.

Back in 2011, the coalition Government established a process to develop a stable devolution settlement for Wales for the longer term. They set up the independent Silk commission, led by Sir Paul Silk, to review the financial and constitutional arrangements in Wales. For me personally, this Bill represents at least in part the culmination of those three years of work that began at the time the Silk commission started in 2011, when I was a member, at the request of the then Secretary of State for Wales, my right honourable friend Cheryl Gillan. Many of the recommendations in the commission's second report are being implemented in the Bill.

After the commission concluded its work, the former Secretary of State for Wales established the St David's Day process to identify those recommendations in the second Silk report which commanded a consensus across the parties in Wales. The outcome of that process, the Saint David's Day agreement, published in February 2015, forms the blueprint for the Bill.

At this point, I thank both my right honourable friend Stephen Crabb, the then Secretary of State for Wales, and the noble Baroness, Lady Randerson, who played a significant part in framing the work that has gone into the Bill and taking it forward.

The Bill delivers a clearer and stronger Welsh devolution settlement and an Assembly and Welsh Government more accountable to the people they serve. Welsh devolution will be clearer by implementing a new reserved powers model, providing a well-defined boundary between what is reserved and what is devolved. It will be stronger by devolving further powers to the Assembly and Welsh Ministers in areas such as elections, the Assembly's internal processes, transport, energy and the environment. The Bill makes the Assembly and Welsh Government accountable for raising more of the money they spend by paving the way for the introduction of Welsh rates of income tax without the need for a referendum.

The Assembly and Welsh Government have come of age. They are now mature institutions and part of the fabric of Welsh political life. The Bill recognises this new maturity in some key ways. First, the Assembly and Welsh Government are recognised as permanent parts of the United Kingdom's constitutional arrangements, not to be abolished unless the people of Wales decide in a referendum in favour of doing so. This statement recognises what we all know to be true: that the Assembly and Welsh Government are part of the United Kingdom's constitutional fabric and are here to stay.

Secondly, the Bill gives important recognition to the body of Welsh law made by the Assembly and Welsh Ministers, forming part of the law of England and Wales. Thirdly, it puts the convention on legislative consent on a statutory footing, as is already the case for Scotland, making clear that Parliament will not normally legislate on devolved matters without the Assembly's consent.

The constitutional debates of recent years demonstrate the need to reset the devolution settlement for Wales. We all want an end to the incessant squabbles over powers between Cardiff and Westminster and to see Welsh devolution set on a firmer foundation, enabling the Welsh Government to focus on the things that really matter to people—improving the Welsh economy, securing more Welsh jobs and improving devolved public services.

We need to move to a new way of thinking about Welsh devolution based on a reserved powers model. By implementing this new model, the Bill provides for a clearer and more stable settlement that will last for the longer term. Anything not reserved to the UK Government is devolved, and the Assembly will be able to legislate on it.

The new reserved powers model of Welsh devolution has been the subject of a great deal of public debate over the last year since the Government published the Wales Bill in draft. My right honourable friend the Secretary of State for Wales, his predecessor, the right honourable Member for Preseli Pembrokeshire, and I have discussed the Bill's provisions with many who have an interest in the future of Welsh devolution. We listened to the concerns expressed during that debate about aspects of the draft Bill, and we have acted on them.

The Bill before us today is significantly improved from the one we published in draft. It includes a list of reservations that is shorter, with more precisely drawn boundaries. It contains fewer tests for legislative competence, and it gives the Assembly more discretion to enforce its legislation by being able to modify the private law and criminal law for devolved purposes.

A key part of delivering a clear devolution boundary is defining which public authorities are devolved and which are reserved. The Bill defines those public authorities that are devolved public authorities accountable to the Assembly or Welsh Ministers. It describes those authorities as "Wales Public Authorities" and lists them at Schedule 3 to the Bill. All other public authorities are reserved authorities, accountable to Parliament or United Kingdom Ministers. The Assembly can legislate on reserved authorities only with the consent of United Kingdom Government Ministers. It is surely right that the consent of United Kingdom Ministers is sought in order for the Assembly to modify the functions of a body accountable to UK Ministers.

The Bill, and accompanying secondary legislation, will also provide clarity on how so-called pre-commencement Minister of the Crown functions are to be exercised in future. For those noble Lords unfamiliar with this term, let me explain that "pre-commencement" functions are functions exercised in devolved areas by Ministers of the Crown before the Assembly assumed full law-making powers following the 2011 referendum. We want to be clear how such functions are to be exercised under the new reserved powers model.

Last week, I wrote to noble Lords with an indicative list of those functions we intend to transfer by order. Most functions not subject to transfer will be exercised concurrently or jointly by Ministers of the Crown and Welsh Ministers. The Bill lists those functions at Schedule 4. There remain a handful of functions which Ministers of the Crown will exercise alone. Those are listed at paragraph 11 of Schedule 2.

I shall now say something about the single legal jurisdiction of England and Wales, which was an important part of the debate around the draft Bill. There were some who questioned whether a reserved powers model for Wales could work within the shared jurisdiction of England and Wales. There was a great deal of debate about whether Wales would be better served by a separate legal jurisdiction. Some favoured a distinct jurisdiction with largely autonomous arrangements for Wales, although common agreement on what is a distinct jurisdiction proved elusive.

The Government listened carefully to the concerns raised, but we have been clear and resolute throughout that the single legal jurisdiction of England and Wales has served both nations well for centuries and continues to do so. We do not intend to modify that. The single jurisdiction can readily accommodate a growing body of Welsh law without the need for separation, and there are many reasons why separation would be detrimental to Wales.

Of course, Wales has a distinctive legal identity. I think we would all recognise that. It has two legislatures and a growing body of law made by the Assembly and Welsh Ministers—a fact that this Bill recognises formally for the first time. This recognition is important, but let me assure the House that it is set firmly in the context of maintaining the single legal jurisdiction of England and Wales. The Bill enables the Assembly to modify the private law and criminal law for devolved purposes, enabling the Assembly to create offences to help enforce its legislation, as it does now. The Assembly will not be able to modify a small number of the gravest offences, such as homicide offences and sexual offences, ensuring consistency across the England and Wales single legal jurisdiction.

Of course we need to adapt to the growing body of Welsh law created in the Assembly and by the Welsh Ministers. That is why the Government have established a working group of officials to examine how administrative arrangements for justice in Wales can be improved. I look forward to informing the House of the group's findings later in the autumn. I should also say that I have written to both the Ministry of Justice and the Department for Education, encouraging action to ensure that law schools throughout England and Wales take account of the growing body of Welsh law and that that devolved element is taught as part of law courses and is carried forward into professional courses as well, such as those for the Bar, solicitors, legal executives, and so forth.

The Bill delivers more accountable, devolved government for Wales. With the coming of age that I have already talked about comes renewed responsibility and a need for the Assembly and Welsh Government to become truly accountable. A key element of this is removing the need for a referendum to introduce Welsh rates of income tax, which will mean that the Welsh Government can take on more responsibility for how they raise money as well as how that money is spent. It gives the Government an interest in ensuring that the economy in Wales is performing well. The reward for that will redound to the Welsh Government, who are being given this power to exercise for a purpose consistent with the mandate of a particular Welsh Government.

Tax-raising powers are a key part of the Assembly truly becoming a Parliament. The Wales Act 2014 devolves stamp duty and landfill tax; we took forward the full devolution of business rates in April last year. The devolution of Welsh rates of income tax—not all income tax, of course, just 10p—will complete the process of fiscal devolution for Wales as set out in the 2014 Act, delivering truly accountably devolved government for the first time.

The Bill makes Welsh devolution stronger by devolving a significant package of new powers to the Assembly and Welsh Ministers. These are powers for a purpose, giving the Assembly and Welsh Ministers the tools to improve the day-to-day lives of people in Wales. The Assembly and Welsh Ministers will have strengthened powers over transport in Wales, including speed limits and traffic signs on Welsh roads; the registration of bus services; and the regulation of taxis and private hire vehicles. We are devolving policy over ports in Wales, apart from Milford Haven, which is of strategic importance to the UK state. Welsh Ministers will decide, too, whether energy projects in Wales up to 350 megawatts generating capacity should be built. Decisions on whether fracking takes place in Wales will in future be made in Wales. We have already devolved all onshore wind consents in the Energy Act—that is without limit. Noble Lords will recall that I took that through this House earlier this year.

On the environment, the Bill will devolve new powers over marine licensing and marine conservation zones, as the Silk commission recommended, and we are continuing to consider the outcomes of the work between the UK Government and the Welsh Government, looking at the devolution boundary for water and sewerage, with a view to taking that forward.

Finally, but significantly, the Bill also gives the Assembly control over its own affairs—something that, arguably, should have happened some time ago—including elections to the Assembly itself, the franchise, and the electoral system for Assembly elections and the number of Assembly Members. Importantly, the Assembly will be able to decide what it should be called. If the Assembly wishes to rename itself the Welsh Parliament, for example, as many would consider appropriate, it will be able to do so. That reflects the maturity of the Assembly, which I spoke about earlier. It is only right that the Assembly should be responsible for these issues in Wales, just as the Scottish Parliament now is in Scotland. These new powers deliver a powerful legislature for Wales, irrespective of what it decides to be called. Welsh Ministers will have new levers to improve the economy and public services in Wales, and important new responsibilities over natural resources and the environment.

[Lord Bourne of Aberystwyth]

I know that many here today will want to speak, and I look forward to hearing an interesting and stimulating debate from people who know a great deal on the subject of devolution in Wales. I will conclude by saying that the Bill sets the course for a stable and lasting devolution settlement for Wales. It builds a new Welsh devolution settlement on the solid foundations of a reserved powers model. It is much improved on the draft of a year ago. I commend it to the House.

3.23 pm

Baroness Morgan of Ely (Lab): My Lords, I am a little overwhelmed and daunted by the fact that I am speaking on the Wales Bill from the Front Bench with no fewer than five former Secretaries of State going to participate today, on top of other Welsh constitutional experts who have been involved in Welsh politics since before I was born.

I am also aware that the Minister leading for the Government was the principal architect in ensuring that the Conservative Party dropped its opposition to devolution in Wales and engaged constructively in the process, and for this he deserves to be commended. In addition to this, he made a distinguished and valuable contribution to the Silk reports, which of course were supposed to have served as the basis for this Wales Bill. Because of my great respect for the Minister, I will make every effort to resist the temptation to ask him why he has changed his mind on so many issues since his transformation from being a key member of the Silk committee to becoming a Welsh Minister.

I declare my interest in this Bill as an elected Member of the National Assembly for Wales. I will start by being kind: the Minister is correct that this Bill is a considerable improvement on the draft Bill introduced in October 2015, which was so fundamentally flawed that the Government had to withdraw it in the face of almost unanimous criticism of its viability. The necessity test in relation to private and criminal law has now been removed, there has been a reduction in the number of reserved areas and there is improvement in the system for Minister of the Crown consents. We welcome the fact that the National Assembly for Wales will be permanent, and that it will now have power to determine its own electoral processes, its size and the electoral system for National Assembly elections. We welcome the fact that, among other things that the Minister outlined, the Assembly will have enhanced powers in energy projects, including fracking, and new transport responsibilities. We are also pleased that the changes were made in response to scrutiny of the draft Bill, and I am particularly pleased that social care regulation and inspection will be under the control of the Assembly, following my call for the establishment of a national care service for Wales last week.

But—and this is a huge but—the Bill in its current form is complex, inaccessible, unclear and will not settle the devolution issue for Wales as was the intention. There has been a failure to incorporate any fundamental or firm constitutional principles within the Bill, such as clarity, stability, legitimacy and subsidiarity. It is poorly drafted and ill conceived. The opportunity to introduce a consolidated Bill, which would have meant that there would no longer be a need constantly to refer to previous Government of Wales Acts, has been missed. The lack of clarity means that there are some significant points where there will still be a need to refer to the Supreme Court to seek clarity on where power should lie—a costly and unnecessary exercise.

We believe that the Bill has been rushed, to no clear purpose, and goes against the spirit, expressed in the Bill, of "collaborative working". It also fails in its aspirations, which were set out in the St David's Day proclamation, for a durable and lasting settlement. The unwillingness of the UK Government and Whitehall departments to deliver a settlement that matches the clarity and accessibility of other devolution settlements, in Scotland and Northern Ireland, is also disappointing. I am sure that the Minister will have taken note of the severe criticism of the Bill published by the Constitutional Affairs Committee of the National Assembly, most notably, perhaps, its assertion that for the first time ever there is a rollback of current powers vested in the National Assembly.

We are living in extremely turbulent political times. The EU referendum has thrown the whole legislative framework of this country into turmoil. The pressures on the unity of the union will be tested severely in the next few years as we extract ourselves from the European Union. This constant piecemeal approach to constitutional developments in Wales is disrespectful, and the Government need to call a constitutional convention to prepare a route map in order to keep our United Kingdom together. This constant nibbling away at the constitution will ultimately erode the unity of the United Kingdom and will create divisions more emphatic than the ones which we have just witnessed with the EU referendum.

Integral to the Bill is a recognition that Bills proposed by the UK Government which will impact on National Assembly legislative competence will no longer be allowed to pass in both Houses of Parliament unless they receive the consent of the Assembly by means of a legislative consent Motion. Let me be as clear as I can be: the Government absolutely must respect the view of the National Assembly in relation to this Bill, and in particular the outcome of the legislative consent Motion. We know that central to this will be the need to come to a definitive position on the fiscal framework for Wales. This fiscal framework will need to give an absolute reassurance, not just to Assembly Members but to the public in Wales, that the country will not be worse off financially, now or in the future, if we were to adopt some of the measures suggested in the Bill. This is particularly true in relation to the devolution of income tax. We need an assurance that we can borrow significantly against any income tax devolved, and that we would not get a worse deal than Scotland. It would give us a great deal of reassurance if the Minister could today assure us that the opinion of the National Assembly will be respected in relation to this Bill.

Some parts of the Bill require additional work. There is no point in the Assembly being able to make laws if it then has difficulty enforcing them. It would be useful to have greater clarity on the scope of the Assembly's ancillary powers to enable it to make laws which are effective and enforceable. Areas in the Bill where unnecessary potential interference is suggested simply seem heavy-handed. This will require intensive

intergovernmental working with additional bureaucracy and administration, which contrasts with the Government's own commitment, and that of the Silk commission and the Richard commission, to the need to cut constitutional red tape. There is an urgent need to strengthen intergovernmental and interparliamentary relations, as has been suggested on more than one occasion.

It is a shame that the Bill has not aligned legislative and executive competence more closely, and that there continues to be reliance on transfer of functions orders. We cannot understand this, and we look forward to the Minister justifying why all functions currently exercisable by a Minister of the Crown within devolved areas cannot be devolved and transferred to Welsh Ministers.

I am aware that there is real disquiet on our Benches about the introduction of income tax powers without the need for a referendum. I know that many noble Lords will want to pursue this issue with vigour.

As the Minister suggested, England and Wales share the same legal jurisdiction. Since 2011, however, a body of Welsh law has already been built which is distinct from that of England and Wales. Given the very low number of Welsh-only laws, we believe that currently it is unnecessary to establish a separate legal system. However, we believe that in time complexities relating to the training of judges and lawyers will need to be considered. The accessibility of the law to ordinary citizens is also paramount. We believe, therefore, that it is necessary to insert a clause requiring the UK Government and the Welsh Government to keep the situation under review.

The move to a reserved powers model is something which in principle we welcome. We had hoped, however, that this would deliver the "clarity, coherence and stability" which the Government had announced was the intention of the settlement. While I believe that we have to accept that there are some areas where introducing a reserved powers model would smooth out the creases of the current devolution settlement and give clear lines, the system is more difficult to accept if the consequence is the rolling back of the powers of the Welsh Government in areas which have hitherto been "silent" areas, where the Welsh Government have consequently been able to act.

One of the worrying aspects of the move to the reserved powers model is that, if a matter "relates to" a reserved matter, it is not within the Assembly's power to legislate. The question of how a provision will be assessed when deciding whether it "relates to" a reserved matter will be determined using a "purpose test"—in other words, whether the purpose of the provision is devolved or not. We will seek a great deal more clarity on the issue of the purpose test in Committee.

As I suggested, while in principle we agree with the move to a reserved powers model, the next question is, inevitably: do we agree and accept all the areas where the UK Government have insisted on retaining power to themselves? We accept and welcome that the list has been reduced since the draft Bill, but we have noted some attempts to reduce the list by lumping some subjects together which were previously counted individually. For example, architects, auditors and health professionals were previously three categories; now all three are included in one category.

We were promised a more comprehensive rationale and justification for why certain areas were reserved, and we do not believe that the Explanatory Notes currently provide the reasoning that we seek. I will do what I can to stop Members on the Labour Benches from putting amendments down on every reservation so that the Government will have to justify each one on the Floor of the House. However, noble Lords might have noticed that I have some pretty heavy hitters on my side, and I may not be able to stop them. Therefore, if the Minister can come up with better justifications for those reservations prior to Committee, we will be grateful.

It is also worth emphasising that it is not simply a matter of reducing the number of reservations on the list in new Schedule 7A; we should like to see some of the reservations redrafted or exceptions added so that the breadth of the reservations is limited, creating more legislative space for the Assembly in which to act. At this stage I will give just a few examples of where we have some concerns: employment matters with regard to devolved public services; licensing and the sale of alcohol; the community infrastructure levy; railway franchises; and water, which I need not emphasise the sensitivity of since the construction of the reservoir at Tryweryn.

In its current form, the Wales Bill is wholly unsatisfactory. We are disappointed that it has been rushed, both in drafting and in the depth of scrutiny, and in some instances we are seeing powers being taken away from Wales. The people and the businesses of Wales have the right to know and to understand the constitutional and legal framework under which they live and work. In these uncertain and unstable political and economic times, now, more than ever, people need a clear understanding of where responsibility lies. The Bill does not give us that clarity. It is a real shame that the democratic will of the people of Wales, as expressed in particular in the 2011 referendum, has been missed, that the opportunity to produce an aspirational settlement has been missed, and that the chance to produce a vision for the future direction of Wales has been missed.

Despite this, I reassure the Minister that we are well disposed to working with him during the passage of the Bill, and we hope that he will accept our interventions in the spirit of ensuring that we produce the best possible Bill for the people of Wales.

3.38 pm

Baroness Randerson (LD): My Lords, we welcome the arrival of the Bill, which is in much better shape than the original draft Bill presented last year.

To those of us closely associated with the devolution process the journey towards an effective settlement—towards my party's aim of home rule for Wales—is achingly slow. I disagree with the noble Baroness, Lady Morgan; there has not been enough rush over devolution. We are certainly not yet in a situation where we can say that we have a firm, decisive devolution settlement, but we are shuffling steadily down the road

[Baroness Randerson]
towards it. Therefore noble Lords will forgive me for becoming somewhat impatient with what I regard as a slow process. However, I acknowledge that in the big scheme of history, the 17 years since the establishment of the Assembly are just the blink of an eye, and therefore as ever I am pragmatic. Any step forward must be welcomed and built upon.

However, I am disappointed that the Bill still does not provide the clarity, coherence, stability, workability and sustainability set out by the previous Secretary of State for Wales, the right honourable Stephen Crabb. Looking back over the last 17 years, the Assembly that I was elected to in 1999, along with my noble friends Lady Humphreys and Lord German, is almost unrecognisable in comparison with today's institution. The Minister is well aware of this because of his history in that place and his part in the Silk commission.

I am proud that my party, the Liberal Democrats, has played a fundamental role in the transformation of those powers. In the first Assembly, I was a Minister in the partnership Government formed between my party and the Labour Party. As part of our agreement, the Liberal Democrats insisted on the establishment of the commission led by the noble Lord, Lord Richard. It put forward some bold and imaginative proposals, but several of those remain to be implemented to this day. Sadly, it took far longer than it should have done to implement the recommendation for full legislative powers, which now exist, due to the indignity and bureaucratic nightmare of the legislative competence order system imposed on Parliament and the Assembly. I welcome the indication from the noble Baroness, Lady Morgan, that the Labour Party as a whole is now much more convinced about the importance of devolution than appeared to be when it was in government.

When the Liberal Democrats came to form a coalition here with the Conservatives in 2010, we again made constitutional progress in Wales a priority. The Silk commission was born and many aspects of this Bill owe their origin to the Silk reports. By that time, I was seeing the story from the other side of the fence. As a Minister in the Wales Office it was obvious to me how easy it was to kick reports, such as the Silk reports, around Whitehall and to make frustratingly little progress. No Whitehall department and few Ministers are willing and happy to surrender power, however small and inconsequential that power may be.

However, the ship of devolution in Wales was then blown along in the slipstream of the Scottish independence referendum, and I was confident that we were poised for a big stride forward by St David's Day 2015. The St David's Day declaration, on which I worked with the then Secretary of State, was bold, clear and ambitious, and I pay tribute to his sterling efforts to create a cross-party consensus on many aspects of devolution. Of course, there was not 100% agreement—indeed, my own party wanted to go further on some aspects such as devolving powers over policing—but there was a firm basis for agreement.

This Bill fulfils some of the criteria needed to establish the sustainable settlement envisaged in that agreement. The move to a reserved powers model is obviously fundamental but it has not proved to be the easy step that so many imagined. The complex and vague Welsh devolution settlement of 1999, based on conferred powers, has been translated into a less vague but still complex set of reserved powers. I believe that they are still unnecessarily complex and many of them are illogical as well. So, as the Bill goes through the House, I will examine the list of reserved powers and test out why some of those powers are there.

On the issue of the distinct and separate jurisdiction, I do not believe we have come to the point where a separate jurisdiction is desirable or needed. However, we need it to be distinct, and so I am interested in the progress made in the joint working group and what commitments there are on taking forward the outcomes of its deliberations. I am anxious that it will not be used to simply distract us from the main issue. It has to have concrete outcomes that are implemented.

The elephant in the room whenever we discuss Welsh devolution is the issue of fair funding and the Barnett formula. This has been the case ever since the Assembly was established in 1999. I look forward to hearing details of progress on this issue because significant progress is key to the effectiveness of the Bill.

I welcome the additional powers set out in the Bill, but there are more powers that we would like to see. I have already mentioned policing because, after all, the cost of policing is more or less shared equally between the Home Office, the Welsh Government and local government in Wales. It is not unreasonable, therefore, to expect the powers over policing to be devolved. There is no constitutional reason why air passenger duty should not be devolved. If Scotland and Northern Ireland can handle it, it is unjust to say that Wales cannot have that power simply because Bristol airport has run an effective lobbying campaign. We cannot see, for example, why Milford Haven is excluded from the list of devolved ports. I know it is a trust port—that is the technical aspect of it—but I cannot see why it is the exception among all Welsh ports.

We believe that the Assembly's powers over energy will still be too limited. The 350 megawatts limit is an artificial one. It is based on a Silk commission recommendation, but nevertheless it has possibly been overtaken by events. The figure was picked because it was based on the size of the Swansea tidal lagoon, which I regret to say this Government seem to have abandoned anyway.

There is much to support in the Bill such as the permanence of the Assembly, giving it powers over its own affairs and elections, its size, its name and so on, thus treating it as a grown-up body. I welcome strongly the powers to vary income tax without the need for a referendum, behind which it was clear that the Welsh Government were going to hide. Having worked within the UK Government, I understand some of the caveats. However, I also understand that some of those caveats can be misused and need to be tested in this House.

This Bill is the product of a previous, pro-devolution Government. I do not believe the same can be said of the current Government, with the exception of the noble Lord the Minister sitting opposite. As a pragmatist, I am keen to support the Bill and to push devolution as far as possible, because, after all, this is all we are going to get for a while at least. It brings via the

reserved powers model greater clarity. However, it does not bring greater simplicity to the Assembly and Welsh Government's powers, and it does not widen their powers to the extent that we as Liberal Democrats would wish.

3.49 pm

Lord Crickhowell (Con): My Lords, I begin with some general thoughts, some of which have been touched on by both noble Baronesses who have spoken. The Constitution Committee of this House, in its report *The Union and Devolution*, drew attention to the way in which power has been devolved to Scotland, Wales and Northern Ireland in a piecemeal fashion, without proper consideration of the cumulative impact of devolution on the integrity of the United Kingdom. The committee concluded:

"The Government needs fundamentally to reassess how it approaches issues relating to devolution. What affects one constituent part of the UK affects both the Union and the other nations within the UK … The new mindset will require abandoning a 'devolve and forget' attitude. Instead the … Government should engage with the devolved institutions across the whole breadth of government policy, co-operating and collaborating where possible. In particular, the Joint Ministerial Committee should be reformed to promote co-operation and collaboration, rather than grandstanding and gesture politics".

That was the view of the Select Committee. It commented that,

"to perpetuate the use of the Barnett Formula, which takes no account of relative need, makes a mockery of the Government's duty to ensure a fair distribution of resources across the UK".

In an earlier report, *Inter-governmental Relations in the United Kingdom*, produced when I was a member, the committee expressed the hope that,

"the increasing complexity of the devolution settlements will spur greater parliamentary scrutiny of inter-governmental relations, aided by a more transparent JMC and improved departmental reporting".

The Select Committee on Economic Affairs, in its report *A Fracturing Union? The Implications of Financial Devolution to Scotland*, agreed with the Constitution Committee that,

"retention of the Barnett Formula is the wrong decision".

It said:

"In future, HM Treasury needs to be much more transparent about how funding is allocated to Scotland, Wales and Northern Ireland and an independent body such as the Office for Budget Responsibility should scrutinise this and the operation of the fiscal framework. There is also too little Parliamentary scrutiny of the funding arrangements. The UK and devolved legislatures should co-operate to remedy this".

The committee suggested that,

"a decision to devolve nearly all revenue, uniquely amongst countries in a similar position to the United Kingdom, has been adopted with undue haste and little assessment of the economic and political consequences. It may not be clear to people in Scotland"—

I add, "or in Wales"—

"how they fund reserved services and which Government is accountable for them".

All these conclusions and recommendations form a useful starting point for our consideration of the Bill, along with the thought that almost all modern Acts of Parliament are too long and complex and therefore do not provide clarity where it is needed. However, at this point I pay tribute, as my noble friend Lord Bourne has already, to the former Secretary of State for Wales Stephen Crabb for the role he played in the preparation of this Bill and for the manner in which he consulted and took account of the suggestions and criticisms made in its preparation—a process that has been continued by the present Ministers. We have had the Wales Act 2014, the report of the Silk commission Part 2, the St David's Day process, the publication of a draft Bill, and pre-legislative scrutiny by the Welsh Select Committee in another place and other interested parties, as well as the passage of the Bill through the Commons, albeit with a somewhat hasty Committee stage. All this represents a great improvement on some of the earlier steps along the devolution trail.

I will refer only to a few matters to which we seem certain to return later. Employment and industrial relations policy has not been devolved. I understand that the noble Lord, Lord Hain, who is to speak immediately after me, is likely to table an amendment to remove devolved public services in Wales from the reservation. I will support the Government if they resist that amendment.

The joint government review of the Silk recommendation that legislative competence for water be aligned with the national border was completed in the summer, and the Government have still to present their decisions. Based on my experience as chairman of the National Rivers Authority, I have considerable doubts about the good sense of the proposal, but I will reserve judgment until I know the conclusions of the review and the decisions taken by government.

The Minister has already made it clear that the maintenance of the single legal jurisdiction of England and Wales remains a red line for the Government. They will have my total support for that position, but the working group of officials, including those from the Lord Chief Justice's office and the Welsh Government, is considering the implication of diverging Welsh laws within the justice system and the need for distinctive arrangements to reflect the emerging body of law made by the Welsh Government. Once again, I will reserve my final judgement on the detailed arrangements—which, we have been told, will be presented to us later in the autumn.

Another government red line concerns crime, public order and policing. While I understand and am sympathetic to the general principle underlying the Government's stance, I hope that Ministers will be able to explain why they appear to be giving powers over policing to some English city regions while not granting them to the Welsh Government.

The noble Lord, Lord Rowe-Beddoe, a particularly good friend of mine, may not be pleased when I say that I am also with the Government in their opposition to the devolution of air passenger duty. I suppose that I should declare an interest as I fly more frequently from Bristol than I do from Cardiff—but it would be wrong to distort competition between two airports that are in such close proximity.

The Government say that discussions between HM Treasury and the Welsh Government on the fiscal framework are ongoing and that it would not be appropriate to place block grant adjustments on a statutory basis. I have already referred to the need for

[Lord Crickhowell]
openness and parliamentary scrutiny. I hope that we will be given a great deal more information about the fiscal framework before we take the Bill much further.

It is all too clear from what has been said that in Committee and on Report there will be a great deal of vigorous argument about the reservations. We have moved to the reserved powers model, but the number of reservations is still lengthy. Although Stephen Crabb reduced the original list very considerably, I wonder whether we cannot do still more. We have been told that a "roll back" of the Assembly's legislative competence may have taken place. The National Assembly's research brief raises legitimate questions that deserve a response. In a letter to the Secretary of State in June, the First Minister wrote:

"You need to press Whitehall Departments to focus on the issues that really do need to be dealt with on an England and Wales or UK level; this requires a laser-like focus rather than a blunderbuss".

All this takes us back to the general points that I made at the beginning of my speech about the need for simplicity and a new mindset. The Wales Office has done stalwart work, but Ministers must ensure that every government department is equally committed to the process. It will be greatly to the credit of the Government if in the Lords we are able to clarify, simplify and improve the Bill even more than it has been improved already.

3.59 pm

Lord Hain (Lab): My Lords, I agree with a great deal of what the noble Lord, Lord Crickhowell, said, especially on transparency over the proposed fiscal framework. That is a critical issue.

Although I welcome parts of the Bill, and although, as the Minister said, the Government responded to very strong objections to the draft Bill, it still feels that the way in which the reserved powers have been drafted repatriates powers back to the United Kingdom, for there are around 190 exceptions to the reserved powers to be granted to Wales. For instance the Assembly's Agricultural Sector (Wages) Act 2014 would not be permitted under this Bill. Yet the Assembly not only passed it but also overcame a challenge from the UK Government when the Supreme Court found in their favour, enabling it to be placed in statute. How can this be progress towards empowering the Assembly? It seems more like a Whitehall grab-back of powers, as indeed the Welsh Assembly's Constitutional Affairs Committee argued last week and as, among others, my noble friend Lady Morgan of Ely and the noble Lord, Lord Elystan-Morgan, recently argued publicly.

However, I wish to focus upon my two main objections at this stage to the Bill—objections I raised with the Minister during the courteous briefing that I thank him for providing before the conference recess. First, there is the question that I and my noble friend Lady Morgan of Ely discussed in detail in this House during the passage of the Trade Union Bill: the undermining of the fundamental workings of the devolution settlement by dictating the manner in which industrial relations within devolved public services in Wales are configured. This Bill reinforces that and it is a matter of dispute with the Welsh Government because the Assembly will shortly have before them a Bill which exempts devolved public services from the Trade Union Act. Since that has been supported by Labour, Liberal and Plaid Cymru Assembly Members it will likely be carried by a large majority. I will return to this matter.

Meanwhile, my other major objection is that Clause 17 of this Bill removes sections of the Wales Act 2014—just two years ago—that retain the requirement which has existed since 1997 that a referendum will be required to implement the powers to vary income tax under that Act. That is constitutionally unacceptable, even outrageous. In September 1997, as a Welsh Office Minister I helped to lead the Government's campaign to win the referendum to establish the Welsh Assembly. With due respect, I do not recognise the comments of the noble Baroness, Lady Randerson, that Labour has been a back-marker on devolution; we introduced the Welsh Assembly and empowered it in the 2006 Act.

There was only one question before voters in 1997: did they want an Assembly or not? There was no second question on whether they wanted income tax devolved, as was specifically and importantly the case in the referendum on a Scottish Parliament. Ministers at the time took the view that to have such a second question in Wales would be to lose the referendum. Given how narrowly it was won, with just 0.2%, how wise that turned out to be. Leading politicians of all parties, including Conservatives, have been crystal clear in the past: to devolve income tax powers to Wales would therefore need another referendum like Scotland had on income tax. Indeed, just last year the 2015 Conservative Party general election manifesto committed to a referendum before income tax powers were raised. If your Lordships' House were to amend the Bill to reinstate the referendum requirement, we would be doing so in line with the Salisbury convention on a government election manifesto commitment.

The current Secretary of State for Wales, Alun Cairns, was a Government Whip and voted for the 2014 Act which put into statute the necessity for a referendum just two years ago. He argued for that, as did all his Conservative MP colleagues at the time. So why have he and the Government done a U-turn after such a short time, thereby breaking their own manifesto commitment of just last year? There has been no clear explanation by Ministers. Could it be that they are frightened that, if invited to vote, a majority in Wales—perhaps a large one—would turn down the powers? I suspect so; otherwise, why be afraid of trusting the voters?

Could it be that the Government wish to ram income tax devolution through without addressing the irrefutable evidence that the way the Barnett formula has operated has short-changed Wales—by at least £600 million annually—in contrast to Scotland? Without a new "Barnett floor", which the First Minister has insisted upon, and without the fiscal framework he wants, it would be pure folly for Wales to have income tax devolved. I note the point made very powerfully by the noble Lord, Lord Crickhowell, that there should be full transparency on the fiscal framework before Parliament enacts this legislation, amended or otherwise.

Could it be that the Conservative Government have an ideological objective to shrink the Whitehall state,

offloading as much responsibility as possible on to individual citizens to fend for themselves, outsourcing to private providers and sub-contracting tax and spending to devolved legislatures? Having strenuously opposed political devolution in the past, the Conservatives now see the virtues of economic devolution in neoliberal terms. In that respect at least, the outcomes, if not the ideologies, of nationalism and neoliberalism can converge, because under both the redistributive power of the United Kingdom state is either severed or stunted.

The incontrovertible advantage of modern Britain is its 20th-century innovation: the pooling and sharing of risks and resources across the whole United Kingdom to ensure common welfare and decent standards of life for all citizens, regardless of nationality or where they live. At the heart of that pooling and sharing of resources has been a set of path-breaking decisions throughout the 20th century: common welfare standards first introduced by Liberal Governments and subsequently consolidated by Labour Governments up until 2010, ensuring common economic and social standards; common UK-wide old-age pensions; common UK social insurance—sick pay, health insurance, unemployment insurance and labour exchanges; common UK child and family benefits; a common UK national minimum wage; and a UK system of equalising resources so that everybody, irrespective of where they live, has the same political, social and economic rights, not just equal civil and political rights.

Pooling and sharing the UK's resources has also enabled redistribution from richer to poorer parts of the UK, whether constituent parts of a nation such as the coalfield communities of the south Wales valleys or regions of England such as the north-east. Although the Holtham commission, in its case for devolving limited tax-varying and borrowing powers to Wales, set out complex compensating arrangements which attempted to ensure that Wales did not fall behind richer parts of the UK, it could not guarantee that the Treasury would always deliver this. We wait to see whether the First Minister has been able to secure that in his negotiations with the Government on a fiscal framework.

With around 40% of UK GDP concentrated in London and the south-east of England, I have seen no answer—whether from Ministers or, indeed, in this respect at least, separatists—to what is at the heart of the case for maintaining the integrity of the UK: redistributing resources from better-off to less well-off parts; and guaranteeing equal opportunity and security for all UK citizens regardless of nationality, race, geography, gender, sexuality, age, disability or faith. That has meant, as former Prime Minister Gordon Brown showed in his book *My Scotland, Our Britain*, that while inside the European Union the average income of the typical citizen of the poorest country is just 20% of that of the richest country, and in the USA the income of the poorest state is 55% of that of the richest, the average income of the typical Scot is 96% of the average income of an English citizen; for Wales, the figure is 87%.

In a post-World War II settlement subsequently maintained by the Conservatives, at least until recent times, Labour created a set of universal rights: free healthcare across the UK in the 1940s; and in the 1990s a UK-wide minimum wage and a tax credits system which discouraged the regions and nations from undercutting each other in a race to the bottom. A cornerstone of our social rights is the common UK welfare system, which transfers resources between individuals, dependent on their circumstances, right across the union. Pooling and sharing of resources at UK nation-state level must be sufficiently strong so as to continue to guarantee free healthcare, the rights to a pension when elderly, help when unemployed, sick or disabled, a decent family income and universal education, as well as defence and security. There is an implicit UK government guarantee that nobody in the union—whether in Wales, Scotland or elsewhere in the UK—can be prevented from accessing those common social and economic rights, and the services that flow from them, by reason of a shortage of resources.

That is why it is right that all UK taxpayers—English, Welsh, Scottish and Northern Irish citizens together—contribute their taxes at a UK level to fund these common rights and services, thereby guaranteeing that the UK Government and, where appropriate, the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly, have the capacity to deliver them. With England constituting 84% of UK population and 87% of UK GDP, it would be mad for Wales to cut itself off from that, just as it would be mad for the north-east of England, with its similar GDP per head and demographic, to cut its income off from the rest of England—especially the south-east, which, as I pointed out earlier, contributes something short of half the UK's wealth. This is especially serious for Wales, which has a huge net fiscal deficit involving a massive annual subsidy from the UK Treasury, estimated by the Library at £14.7 billion in 2014-15. That total, by the way, is similar to the entire Welsh Government block grant. I believe that this Government are encouraging an offloading of the centre's responsibility to all its citizens—English, Scots, Welsh and Northern Irish—and, by design or default, encouraging separatism. For if the UK does not offer common rights and resources to enable universal access for each citizen, why should they offer their loyalty to the UK in return?

In making this argument, I remind your Lordships that I have been a consistent devolutionist all my political life. As the author of the Government of Wales Act 2006, I was proud to deliver the full law-making powers that the Welsh Assembly has enjoyed for some five years now, to the great benefit of its citizens. Therefore my objection to Clause 17 repealing the Government's very own clause of just two years ago, committing to a referendum, is on two grounds. The first is constitutional and democratic. Surely it is not acceptable to move the goalposts from a referendum vote in 1997 by denying Wales the chance to have a vote on income tax, like the Scots did. Why should Welsh voters be treated as second class compared with Scots voters? The second is that, in any case, we step at great peril down the road of income tax devolution, the destination of which could be impoverishment in less prosperous parts of the UK, Wales included. Just in passing, while I certainly do not wish to put any ideas into the Conservatives' minds, what about VAT

[Lord Hain]
if we leave the European Union? Membership of the EU means that it cannot be devolved: what does Brexit mean?

Let me turn to the manner in which the Bill will enable one important part of devolved public services in Wales to be dictated from Whitehall, namely industrial relations. I ask the Government to reconsider the manner in which the Bill reserves all employment law to the UK level in respect of devolved Welsh public services alone—not the private sector but just devolved public services. In doing so, and this may address the concerns of the noble Lord, Lord Crickhowell, let me be clear that I am not asking for employment law as a whole—including strikes, unfair dismissal, health and safety, maternity and paternity rights and so on—to be devolved. I agree that the core issues of employment law should be a reserved matter, not least to prevent businesses or devolved governments competing to undermine basic conditions of work in a race to the bottom.

However, what right does a UK Secretary of State have to impose upon Wales such matters as trade union facility time, training arrangements, arrangements to deduct trade union subscriptions by payroll, the political levy and other industrial relations issues to do with what the Welsh Government, in exercising their statutory powers, deem the best way to deliver effective and efficient public services on the basis of social partnership, which they do? I shall be supporting an amendment to empower the Assembly and the Welsh Government to achieve that, and I ask the Minister to do the same. Otherwise there will be a direct clash with the Welsh Government and the Assembly which will surely undermine the Conservative Party's new-found and welcome conversion to the cause of devolution. In short, this Bill is fundamentally flawed and could badly short-change Wales. I ask the Government urgently to think again on the matters that I and others have raised.

4.15 pm

Lord Elystan-Morgan (CB): My Lords, I begin by wholeheartedly endorsing what has been said by way of tribute to the noble Lord, Lord Bourne, and the very constructive role he has played for a couple of years now in Welsh devolution. Whatever the Bill's defects might be—and I believe them to be myriad—he is not responsible for them, and I would not wish him to think that anything I say by way of criticism of the Bill is in any way directed at him.

I shall concentrate my remarks on what might be described as the main constitutional timbers of the Bill. As has already been said, this is the fourth time within the short span of less than 20 years that a major piece of legislation has been introduced in relation to Wales. What distinguishes this Bill and differentiates it from the other three attempts is that, whereas they added to the constitutional powers that Wales had as a land and nation, it turns in the opposite direction. Whereas they were progressive, this Bill is regressive.

I have no doubt that we would not be discussing these matters in the context of this Bill were it not for the decision by the Supreme Court in July 2014. That is the fons et origo of the whole matter. It is not an incandescence of enthusiasm on the part of the Government for Welsh devolution that brings these matters to the fore, but the realisation that a crisis was created by that epoch-making decision.

The House will broadly remember the facts of the case. The Cardiff Assembly was proposing a measure to standardise and define agricultural wages in Wales. There was an immediate objection by the Attorney-General, who seized on this matter like a hungry piranha and said that it was something Wales must not touch. Why was that? It was because it was a matter not of agriculture but of employment. If the Attorney-General's logic had been correct, that would have been the end of the matter, but the Supreme Court respectfully disagreed with him in a 5-0 decision. Whereas the impression had been carried for a long time that if there had been a transfer of a limited nature within any one of the 20 fields of devolution to Wales, that was it, the Supreme Court said that where there has been a substantial transfer of functions and there are other allied matters that reasonably go with them, unless they have been specifically exempted, they are transferred. In other words, there is a silent transfer mechanism, and that is what caused the whole problem.

Given the situation that confronted Wales the day that judgment was published, it is right that we should consider how the Bill compares with that template. My submission is that the powers that Wales has under the Bill are vastly diminished compared with the decision reached by the Supreme Court. That is the reality. This matter has been touched upon already by one or two noble Lords, and I have no doubt that they are absolutely correct: the gap is very considerable. Yes, the decision to transfer to a reserved powers model has achieved something—certitude, of a certain nature—but it is a certitude for which a high price is paid: the diminution of the constitutional status of Wales. That is the effect of the main parts of the Bill.

The Government reacted fairly swiftly to that decision of 2014 and decided that they would move to a reserved powers model, which was introduced by the St David's Day agreement of last year. A draft Bill was published, which was scrutinised by a number of distinguished bodies, and following that we have today the legislation proposed in the House of Commons in June of this year. I believe that the Bill is flawed, first in that it does not achieve the purpose that it genuinely should have sought to achieve. Secondly, it is a Bill that is unworthy of the people of Wales. We have a far lower level of devolution now than that which was spelled out by the Supreme Court in July 2014. The consequence is that we are moving backwards when we could have been moving forwards.

The worst part of the Bill is not what is mechanically set out in the reservations—of which there are far too many; more than 190, as we have heard—but the mentality that lies behind them. It is a mentality of monumental negativism. Look at the reservations: the control of axes and knives; the control of charitable funds and philanthropic institutions; and the control of the sale of alcohol, which Wales had devolved to it in the 19th century. I see the noble Lord, Lord Hunt, who well appreciates the history of this matter, nodding.

There are many other instances where one could say that these are simple, basic, minor matters, taken against the bundle of responsibilities a nation has. The question I ask the House to consider is this: had such matters as these been raised 50 years ago by the Colonial Office in relation to a colony belonging to Britain, either in the Caribbean or in Africa, would they have dared bring about such reservations? The answer must surely be no. We are placed in a neocolonial situation by this Bill.

My appeal is not so much for a change in the mechanics, but for a change in mentality. I can remember being shocked as a schoolboy—which was many years ago, believe you me—when reading of a decision made by Mr Attlee's Government in relation to Wales. Herbert Morrison, the then Home Secretary, announced it in these terms: "We have considered the future of Wales very carefully. We have taken advice, broadly, from people who are in a position to give that advice, and we have come to the conclusion that the very best that we can do in relation to Wales is to have a nominated council". Do your Lordships think that Mr Herbert Morrison and his Government would have suggested a nominated council for a British colony 50 years ago? Most certainly not. To my mind, such neocolonialism shows that the dead hand of Westminster still lies upon Wales.

My appeal is not just for a new mechanism but for a new mentality altogether: a change in the attitude of the mandarins of Whitehall—the Sir Humphreys, Sir Williams and Sir Rogers—who say, "Nothing shall come from my table at all", and likewise in the dog-in-the-manger attitude of Ministers towards their own powers. There should be a spirit of partnership and mutual respect between Cardiff and Westminster.

The Welsh people should think big in this matter. A distinguished English poet of the 19th century wrote:

> "a man's reach should exceed his grasp,
> Or what's a heaven for?".

We as a nation have been grasping for small things, but we must think big about the role we can constructively play within the UK. I believe that dominion status is a principle sufficiently supple and mobile to allow Wales, under the 1931 Act of Westminster, to play the most major and constructive part imaginable in the life of the UK. That is the opportunity we now have. Many matters in the field of government are in a state of flux. Wales must react positively to that, as this chance may not come again.

4.26 pm

Baroness Bloomfield of Hinton Waldrist (Con) (Maiden Speech): My Lords, it is the greatest honour to speak for the first time as a Member of your Lordships' House. I do so with humility and indeed nervousness, this being only the third working day since my introduction—which means, of course, that for the moment I have a 100% attendance record. I am also proud to speak now as part of the Welsh diaspora; it appears that there are very few of us on this side of the House.

I pay tribute to all the staff, officers and Members of the House on all sides who have made me so very welcome. I also thank my mentor, my noble friend Lady Seccombe, whose kindness and wisdom justifies her being held in such enormous affection by all in this place. I also thank my noble friend Lord Attlee, who will help to further my education in the ways of this House.

It was a particular privilege to be introduced by my noble friends Lord Strathclyde and Lord Chadlington. Both have given me enormous support and encouragement in my various roles within the party in London and the Wantage constituency. My noble friend Lord Chadlington and I also share a profound love and appreciation of our Welsh heritage, perhaps at its most evident when we attend the Millennium Stadium. Although not a native Welsh speaker, dw i'n dysgu cwmraeg—I am at least a Welsh learner—so it is a great honour to be making my maiden speech in the context of a subject so close to my heart.

The Statute of Rhuddlan in 1284 was intended to settle the Government of Wales once and for all following the execution of Dafydd ap Gruffydd, Prince of Gwynedd. Over 700 years later, and almost 20 years after devolution, this Bill continues the process of allowing Wales to determine its future priorities through an historic transfer of powers. We value our enormous good fortune to live in a democracy that allows for that evolution.

I was born and brought up in South Wales, and received my most formative years of education at Atlantic College in Llantwit Major. Its strong ethos of community service and international understanding has stayed with me all my adult life. Indeed, it was the resonance of the big society and social action that encouraged me into the political world in support of a party that believes in individual responsibility and the power of communities to help themselves—something to which I have also devoted much of my own time, setting up and supporting a number of charities providing opportunities for local residents as varied as young offenders, cancer sufferers and bored teenagers.

My mother served as a magistrate for more than 30 years in Barry and I, too, spent a number of years on the Bench both in rural Oxfordshire and at Horseferry Road in London. It is heartening to see that the Bill seeks to ensure the maintenance of the single legal jurisdiction of England and Wales, which has served both countries so well for centuries.

Prior to my time in CCHQ, I had worked in both shipping finance and then executive search for many years, so it was natural for me to return to the commercial world after the 2010 general election. I formed a team working towards the delivery of green energy from Iceland to the UK through a 1,500 kilometre seabed cable—a project that I hope will receive the full backing of the Icelandic Government after Iceland's general election later this month.

This brought to my life full circle, for it was at Atlantic College that I wrote my dissertation on the generation of tidal power in the Severn estuary. I hope that the Swansea tidal lagoon scheme mentioned so recently in my noble friend Lady Finn's maiden speech will be allowed the chance both to prove the energy-generating potential of our enormous tidal difference and to help in the regeneration of that important industrial heartland.

[Baroness Bloomfield of Hinton Waldrist]

I hope also that the new powers devolved will make a real difference to people's lives, allowing Wales to determine its particular needs and spending priorities. I am profoundly grateful for the social care in the community that my elderly parents and parents-in-law have received in Wales, enabling them to continue living at home. I have nothing but admiration both for those who provide such care and for those who have facilitated this choice.

Wales and its singular culture and heritage are to be cherished, and I hope that the provisions of the Bill will empower the Assembly to allow the unique and defining character and capabilities of Wales to flourish.

4.31 pm

Lord Wigley (PC): My Lords, the pleasure falls to me to congratulate the noble Baroness, Lady Bloomfield of Hinton Waldrist, on her eloquent and delightful maiden speech. The fact that she has chosen the Wales Bill for her first speech to the House intrigued me, until I did some homework and discovered that not only has she recently been on a course in Wales to learn Welsh, to which she referred, but she has also obtained a distinction on her first grade on the harp. I understand that this was part of a fundraising endeavour in support of the London Music Masters, which promotes diversity and excellence in music to inspire positive social change, so well done.

I also noted the noble Baroness's comments about the diaspora. It has always been an ambition of mine to harness the Welsh diaspora much more effectively, and this is an excellent example of the benefits that can come from such an approach. I have no doubt that her education at Atlantic College enabled her to appreciate the place of Wales in an international context—that college most certainly does that. We wish her well for her fundraising—to the extent that it focuses on worthy cultural causes rather than political ones—we welcome her active interest in politics and we wish her well in her career in this Chamber and look forward to her future contributions to our debates.

This is the fourth piece of primary legislation on Wales which various Governments have introduced since 1998. Such a continuous sequence of amendment reflects two things: yes, a view that devolution is a process and therefore will develop over time; but also a widely held feeling that the original legislation was inadequate and needed amendment to make it work in a transparent, effective and democratically answerable fashion.

Along with several other Members in this Chamber, I have had experience as an elected Member of the Assembly. We are fortunate to have here today a former Presiding Officer, my colleague and noble friend Lord Elis-Thomas, and the newly elected Assembly Member, the noble Baroness, Lady Morgan of Ely, both of whom are up to speed with current thinking across party politics in the Assembly as to how its powers should be augmented or modified to make it a more effective body able to hold the Government of Wales to account, while enabling that Government, whatever their complexion, to work effectively for the benefit of Wales.

We have here two former Ministers in the Welsh Government on the Liberal Democrat Benches: the noble Lord, Lord German, and the noble Baroness, Lady Randerson. We have former Secretaries of State for Wales—the noble and learned Lord, Lord Morris of Aberavon, and the noble Lords, Lord Hunt, Lord Hain and Lord Murphy—who over many years have had a deep involvement in several Wales Bills, as have many other noble Lords.

I should also say how glad I am to see the noble Lord, Lord Crickhowell, participating in this debate. We have not always seen eye to eye on matters relating to devolution, but I know that in accepting our National Assembly as an essential part of Welsh governance, he will want to see it made more effective, transparent and answerable. We noted his wish to see the two Governments at each end of the M4 working together more constructively and his trenchant comments on the Barnett formula.

We have here the noble Lord, Lord Morgan, Wales's most eminent historian on the period from 1868 onwards when questions of greater Welsh autonomy were emerging and, of course, my noble friend Lord Elystan-Morgan, a long-standing advocate of greater Welsh autonomy and of dominion status. We are also fortunate that the Minister taking this Bill forward, the noble Lord, Lord Bourne of Aberystwyth, was a very effective leader of the Conservatives in the two Assembly terms in which he served and was a key member of the Silk commission, which wrote the second report which forms the background to this Bill.

In other words, we have significant experience in this Chamber, whatever its democratic shortcomings, and it would be short-sighted of the Government not to take on board the issues that will be flagged up today, and at Committee and Report stages, which may not have had adequate coverage in another place. Colleagues have already referred to some of these and I shall touch on one or two others.

In doing so, I do not in any way resile from Plaid Cymru's ambition for Wales to be a member state of the European Union in its own right. We accept that change comes but gradually and sometimes painfully slowly. Questions relating to the interface between Wales and the EU today appear to be in a somewhat different light. The constitutional future of these islands will partly depend on how Northern Ireland and Scotland are allowed to relate to the EU. To that extent, some aspects of this Bill are already dated, and the Bill's existence reminds us that the United Kingdom Government still pursue separate constitutional proposals for Wales, Scotland and Northern Ireland, and for England, and give little thought to securing a balanced UK-wide settlement that might stand the test of time.

First, I remind the House that this Bill emanates from the Silk commission, which was set up by a Conservative-led Government in 2011. That commission included members of all four parties which then had seats in the Assembly. My friends in the SNP in Scotland have often been criticised at Westminster for not being willing to participate in similar commissions in Scotland—the Calman commission, for example. Plaid Cymru took a full role in the Silk commission's work, with Dr Eurfyl ap Gwilym playing an outstanding part, as I am sure the noble Lord, Lord Bourne,

would immediately acknowledge. Sir Paul Silk worked hard to secure a unanimous report, supported by all four party representatives. That took a good deal of work and compromise all round.

I must say that I think we had every right to expect the Government, unless there were fundamental reasons to the contrary, to accept the report in its entirety and not to cherry pick those items that fitted in with the Conservative agenda and discard others that were deemed to be inconvenient. I have party colleagues in Plaid Cymru who will be reluctant to participate and compromise in this way, given that the Silk recommendations have been diluted and re-engineered to meet prejudices in Westminster and the convenience of Whitehall departments, rather than the agreed needs of Wales.

So as not to be unnecessarily divisive, let me first identify some matters covered by the Bill that I welcome. These include the permanence of the National Assembly, the acceptance of the principle of a reserved powers model, giving the Assembly power over elections to the Assembly, including the electoral system and franchise, and control of fracking in Wales. I certainly welcome all of those.

However, I must also flag up some unsatisfactory aspects of the Bill, which I shall want to pursue at a later stage. I expect that my noble friend Lord Elis-Thomas will refer to the key issue of how to implement the central plank of Silk, namely the need for the powers of the Assembly to be based on the principle of reserved powers rather than the conferred powers model enshrined in the 1998 and 2006 Acts. The version which the Government have brought forward is regarded in Cardiff Bay as inadequate. In fact, it still contains as many as 200 reserved matters. Indeed, in some ways, it makes the position worse in that it actually takes back powers from the Assembly and the Welsh Government.

Furthermore, while the Secretary for Wales, Alun Cairns MP, has been apparently willing to explain his proposals, he has been reluctant in this respect to negotiate an outcome which might meet the needs of both Wales and Westminster. That smacks of government by diktat.

The *Report on the UK Government's Wales Bill*, published last Thursday by the Assembly's Constitutional and Legislative Affairs Committee, of which I have a copy here, states in paragraph 11 that the Bill,

"is a complex and inaccessible piece of constitutional law that will not deliver the lasting, durable settlement that people in Wales had expected".

Paragraph 14 adds that,

"in our view, significant improvements needed to be made to the Bill … to reflect authoritative criticism … Regrettably, necessary improvements were largely not accepted by the UK Government".

It is the unanimous view of the committee that the arguments put forward by the UK Government in opposing a more ambitious Bill, "are not convincing". Paragraph 22 of the report says:

"The Bill we are left with provides a restrictive settlement that over-complicates rather than simplifies and fails to fully empower the National Assembly as a modern legislature".

The report describes the Bill as,

"the first piece of devolution legislation that takes backwards steps and that is a matter of considerable concern".

These views were endorsed by all four parties represented on that committee, including the Conservative former Deputy Presiding Officer of the Assembly, David Melding AM, and if the UK Government now state that they will ride roughshod over their representations, it shows how misleading are the assurances given by the new Prime Minister that the wishes of Wales will be taken into account by her Government. Incidentally, I am somewhat surprised that the report is not available in the Vote Office for noble Lords to access.

If I may give a specific example, it might help noble Lords to appreciate the shortcomings of the Bill. I take the issue of compulsory purchase. Under the 2006 Act, it has not been specifically devolved, but neither is it retained. Therefore, legally, the National Assembly could legislate in this matter, provided that it was "incidental", and not "central" to that piece of legislation. It is an example of what has been referred to as a "silent subject". In the Bill, compulsory purchase is deemed as a retained matter, so the Welsh Government would in future be unable to legislate as it could under the 2006 Act. This is a clear example of how this Bill is withdrawing powers from the National Assembly, despite claims by Ministers to the contrary.

I refer to some other matters which are not included in this Bill, although they were part of the Silk recommendations, concerning which I hope to table amendments in Committee. These include: the devolution of policing, supported by all four newly elected police commissioners in Wales; provision for the emergence of a distinct Welsh legal jurisdiction, the absence of which has caused much of the complexity for which this Bill has been rightly criticised; powers relating to the youth justice system; and powers concerning the Wales and Borders rail franchise.

I shall also seek to propose amendments that deal with greater Assembly powers relating to energy, to remove veto powers enjoyed by the Secretary of State and to clarify the Welsh Government's authority in dealing with trade matters relating to the single market of the European Union, in the unfortunate circumstances that the UK Government fail to negotiate unfettered rights for manufactured goods and agricultural produce, free from tariff and technical barriers. I shall also raise questions relating to the repatriation from Brussels to Westminster of matters that are already devolved, so that they can be transferred immediately to the National Assembly if they impinge on devolved functions.

I also flag up my intention to bring forward an amendment in Committee to give the National Assembly full powers to decide on any new proposals for extracting water from Wales. Specifically, this must include the power of veto over any intention of drowning valleys to create new reservoirs, which must be subject to authorisation by the National Assembly, which should have the powers to impose whatever conditions it deems fit on such projects. Sixty years on from when Liverpool Corporation resolved to drown the Tryweryn Valley, against the united opposition of all Welsh MPs bar one, this issue still causes rancour and bitterness. If there was one single step that the Government could take that would recognise Welsh sentiment on this issue, it would be to empower the Assembly to decide on such matters. I have no doubt that every

[LORD WIGLEY]
party in Wales would welcome such a step with delight. Associated policy issues, such as land use, flooding, agriculture, the development of natural resources, environmental policy, industrial development, tourism and recreation are already overwhelmingly devolved to the Assembly. I ask the Minister if he will, even at this late stage, take up with his fellow Ministers the possibility of righting a long-standing wrong, and bring forward at least an enabling clause at a later stage that could facilitate such a move.

At a time of great constitutional uncertainty, when the UK Government put so much emphasis on the validity of identity and "taking back control", and on enabling communities to do much more to help themselves, this Wales Bill should be a beacon that demonstrates how such thinking now applies to Wales. It should project how the principle of bringing power closer to the people is not just a tug of war between London and Brussels; it is equally valid in enabling Wales to decide for itself those matters which—because of cultural diversity, differences in social aspiration and community values, or of geographic or administrative convenience—can best be decided in Wales.

We are united that we need new legislation that enables Wales to do more to help itself in a transparent and effective manner and that overcomes the shortcomings of the tangled mishmash of existing law. We need legislation which has the confidence of Wales's elected representatives and which the Government of Wales herald as a positive step to overcome current deficiencies in our constitutional settlement. As a number of noble Lords have already indicated, I fear that this Bill falls short of those ambitions. Depending on how the Government respond to proposals from across this Chamber to improve its provisions at later stages, a question must remain as to whether we are better with, or without, the Wales Bill as currently drafted. I support its Second Reading, so that it can be amended at a later stage to enable it to achieve the purpose for which it was meant.

Calais Jungle

Statement

4.46 pm

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, with the leave of the House, I shall now repeat a Statement delivered in the other place by my right honourable friend the Home Secretary.

"Mr Speaker, today I met with my counterpart, Bernard Cazeneuve. We agreed that we have a moral duty to safeguard the welfare of unaccompanied refugee children, and we both take our humanitarian responsibilities seriously. The UK Government have made clear their commitment to resettle vulnerable children under the Immigration Act and to ensure that those with links to the UK are brought here using the Dublin regulation.

The primary responsibility for unaccompanied children in France, including those in the Calais camp, lies with the French authorities; the UK Government have no jurisdiction to operate on French territory and the UK can contribute only in ways agreed with the French authorities and in compliance with French and EU law. The UK has made significant progress in speeding up the Dublin process. We have established a permanent official level contact group and we have seconded UK experts to the French Government. Part of the role is to assist co-ordinating efforts on the ground to identify children. Since the beginning of 2016, more than 80 unaccompanied children have been accepted for transfer to the UK from France under the Dublin regulation, nearly all of whom have now arrived in the UK.

Within these very real constraints, we continue to work with the French Government and partner organisations to speed up mechanisms to identify, assess and transfer unaccompanied refugee children to the UK, where this is in their best interests. While the decision on the dismantling of the Calais camp and the timing of this operation is a matter for the French Government, I have made it crystal clear to the French Interior Minister on numerous occasions, including at our meeting today, that our priority must be to ensure the safety and security of children during any camp clearances. We have made good progress today, but there is much more work to do. To this end, I emphasised to Monsieur Cazeneuve that we should transfer as many minors as possible from the camp, eligible under the Dublin regulation, before clearance commences, with the remainder coming over within the next few days of the operation.

I also outlined my views that those children eligible under the Dubs amendment to the Immigration Act 2016 must be looked after in safe facilities where their best interests are properly considered. The UK Government stand ready to help fund such facilities and provide the resourcing to aid the decision-making.

I made clear in my meeting today with Monsieur Cazeneuve that we should particularly prioritise those under the age of 12 because they are the most vulnerable. The UK remains committed to upholding our humanitarian responsibilities on protecting minors and those most vulnerable".

4.49 pm

Lord Rosser (Lab): I thank the Minister for repeating the Answer to the Urgent Question in the other place. Many people, including in this House, just do not believe that the evidence shows that the Government have been doing as much as they should to bring unaccompanied refugee children in Calais with family links in the United Kingdom over here as quickly as possible, yet alone act on the terms of the amendment of my noble friend Lord Dubs to the Immigration Act. The Government have referred to what they are doing now, much of it only very recently, which simply has the effect of highlighting how little they have been doing up to now. How many unaccompanied children who have a relative in the UK are still in Calais? We must surely have established the answer to that question by now.

A recent British Red Cross report stated that on average it takes up to 11 months to bring a child to the UK under the procedures for reuniting families when there appears to be no reason why the process should take that long. Do the Government accept that the figure of 11 months is correct, or broadly correct,

in relation to the process to date? Will the Government now undertake to ensure that all unaccompanied children with families in the UK will be brought over here before the unofficial refugee camps in Calais are shortly demolished? If the Government refuse to give that commitment, what action will they take to ensure that those remaining children are protected and not dispersed?

I do not doubt that responsibility for the delays can also be laid at the door of the French authorities, but it does not appear that we have acted on this matter with the urgency required in terms of resources and applying pressure on behalf of vulnerable unaccompanied children who are eligible to come to this country, some of whom have disappeared in the meantime.

Baroness Williams of Trafford: My Lords, we know that there are approximately 1,000 unaccompanied children in the camps in Calais. The number of children who may come over here is of course yet to be determined. However, we have been assured by the French that they are working on a list and that it will be provided in the next few days before the camps start to be cleared. The noble Lord asked about the average time being 11 months. Most of the children have been transferred relatively quickly. I appreciate the House's concern but this can be a very complex process. Certainly, we have been very keen to get the list from the French. They are now keen to speed up the process of giving us that list, and as I say we hope to get it in the next few days. This Government have spent literally tens of millions of pounds and dedicated our time to speeding up the process. We have a team in place in the Home Office Dublin unit to ensure that the process is speeded up. We have also established a senior-level standing committee between ourselves and France. We have regular contact on Dublin issues and transferring the children, including ministerial, senior official and daily contact between officials. We are very keen to get those children here as quickly as possible. Today's conversation proves that there is now a renewed commitment from France to ensure that that happens.

Baroness Sheehan (LD): I have spent much time in the camp in Calais over the course of both this year and last year, and I returned from my most recent visit just this weekend. There is very good reason to believe that the camp will start to be demolished on Monday 17 October. In a meeting with camp associations last week, the police said that when the demolitions start they will be, in their words, swift and violent. Therefore, I am sorry that in responding to the Urgent Question, the Minister did not say that she made strong representations to her French counterpart that the demolition planned for Monday 17 October be delayed to make more time available to remove children to safety so that they do not disappear, as they did last time. Will she ask the Home Secretary to take heed of the joint statement issued by the Children's Commissioner, Anne Longfield, and her French counterpart, expressing their extreme disquiet at the lack of planning and provision for the children in the face of the impending demolition of the Jungle camp?

Baroness Williams of Trafford: My Lords, as I have said a couple of times today, those children remain everyone's concern. Certainly, as the camp is demolished, that concern increases. As regards the date, I have not had one, but certainly it sounds like it is imminent. Previous statements from the French have said that the camps will be demolished by Christmas. On the children's care, today the Home Secretary made it quite clear that children must be looked after in safe facilities, where their best interests are properly considered. She also reiterated that the UK Government stand ready to help fund such facilities and to provide resources to aid the decision-making.

Lord Alton of Liverpool (CB): My Lords, has the noble Baroness had the chance to view the sobering insight of a recently broadcast ITV documentary called "The Forgotten Children"? In contrast with the 80 children whom the noble Baroness said the United Kingdom has taken, that programme highlighted the 88,000 children who are without parents in Europe, 10,000 of whom it said had gone missing, their whereabouts no longer known. The same documentary highlighted the plight of a brother and sister aged 13 and 12, who had escaped from Aleppo and who are now living in a tent in a derelict petrol station. How do we square that with the idea that we are providing protection for vulnerable children? How on earth can we sleep easily in our own beds at night when we know that these things are happening? Why are we not doing more to ensure a realistic and European-wide response to the magnitude of this crisis?

Baroness Williams of Trafford: The noble Lord makes an important point that we are not the only country in Europe. Today's discussions have highlighted that each country in Europe has an obligation to the people who arrive in those countries. The news that the camp clearance is imminent has helped to focus the minds of not just France but Italy, Greece and other countries which may have received people and families who require asylum.

Lord Dubs (Lab): My Lords, can the Minister clarify one point? It is good that we are, though all too slowly getting the Dublin III children to come to this country. What about the Immigration Act children, who were the specific subject of a vote that was passed in this House? Can the Minister give some assurance that it is just as urgent to get those over here to safety as the Dublin III children?

Baroness Williams of Trafford: The noble Lord is absolutely right. We consider these children to be children, whether they are Dublin III or Dubs Immigration Act children. We now know that under the Dubs amendment 50 have been accepted for transfer and 35 are here. However, the noble Lord is absolutely right; it is vital to get children from either category over here as soon as we can.

Lord McColl of Dulwich (Con): My Lords, some years ago I was asked to chair a government inquiry into services for disabled people. We produced 30 recommendations and I was amazed at how difficult it was to change anything in this country and move things along. As I listened to the debate about the problems in Calais I began to wonder just how many obstructions we have to overcome, so I went round

[LORD MCCOLL OF DULWICH]
your Lordships' House asking various people who I thought might know how many obstructions—forms, regulations, French and English laws—there are. No one could tell me. We ought to have some idea of exactly what the obstructions are before we are too critical of the Minister. Can she therefore tell us, not necessarily now but perhaps in writing, just how many forms, regulations, and French and English laws have to be overcome to get the children over? That would be helpful.

Baroness Williams of Trafford: I thank my noble friend for that question. Certainly a large number of hoops have to be gone through in placing these children in the appropriate country of safety, and I will try to get a full list, with precise details, of the bureaucracy that has to be overcome. I hope that in the coming weeks some of that bureaucracy will be simplified so that we can expedite these cases. However, we have to abide by the laws of the countries that the children are coming from and we also have to be very mindful of the safeguarding arrangements in place in those countries. It is incredibly important that we verify that the children go to the right place to meet their needs but also that we verify that they are who we think they are. We have to avoid any awful unintended consequences of trying to rush things rather than doing them properly.

Next Steps in Leaving the European Union

Statement

5.01 pm

The Parliamentary Under-Secretary of State, Department for Exiting the European Union (Lord Bridges of Headley) (Con): My Lords, with the leave of the House, I will now repeat a Statement made in the other place earlier today by my right honourable friend the Secretary of State for Exiting the European Union.

"With permission, Mr Speaker, I will now make a Statement on the next steps in leaving the European Union.

The mandate for Britain to leave the European Union is clear, overwhelming and unarguable. As the Prime Minister has said more than once, we will make a success of Brexit, and no one should seek to find ways to thwart the settled will of the people, expressed in the referendum of 23 June. It is now incumbent on the Government to deliver an exit in the most orderly and smooth way possible, delivering maximum certainty for businesses and workers. I want today to update the House on how the Government plan to reflect UK withdrawal from the EU on the statute book while delivering that certainty and stability.

We will start by bringing forward a great repeal Bill that will mean the European Communities Act ceasing to apply on the day we leave the EU. It was this Act which put EU law above UK law, so it is right, given the clear instruction for exit given to us by the people in the referendum, that we end the authority of EU law. We will return sovereignty to the sovereign institutions of this United Kingdom. That is what people voted for on 23 June—for Britain to take control of its own destiny, and for all decisions about taxpayers' money, borders and laws to be taken here, in Britain.

The referendum was backed by six to one in this House, and on all sides of the argument—leave and remain—we have a duty to respect and carry out the people's instruction. As I have said, the mandate for exit is clear, and we will reject any attempt to undo the referendum result, any attempt to hold up the process unduly and any attempt to keep Britain in the EU by the back door by those who did not like the answer they were given on 23 June.

We are consulting widely with business and Parliament, and we want to hear and take account of all views and opinions. The Prime Minister has been clear: we will not be giving a running commentary—that is not the way to get the right deal for Britain—but we are committed to providing clarity where we can as part of this consultative approach.

Naturally, I want this House to be properly engaged throughout, and we will observe the constitutional and legal precedents that apply to any new treaty on a new relationship with the EU. Indeed, my whole approach is about empowering this place. The great repeal Act will convert existing EU law into domestic law, wherever practical. That will provide for a calm and orderly exit and give as much certainty as possible to employers, investors, consumers and workers. We have been clear: UK employment law already goes further than EU law in many areas, and this Government will do nothing to undermine those rights in the workplace.

There is over 40 years of EU law in UK law to consider in all, and some of it simply will not work on exit. We must act to ensure there is no black hole in our statute book. Then, it will be for this House to consider the changes to our domestic legislation to reflect the outcome of our negotiation and our exit, subject to international agreements and treaties with other countries and the EU on matters such as trade.

The European Communities Act has meant that if there is a clash between an Act of the UK Parliament and EU law, it is EU law that prevails. As a result, we have had to abide by judgments delivered by the ECJ in its interpretation of EU law. The great repeal Bill will change that.

Legislation resulting from the UK's exit must work for the whole of the United Kingdom. To that end, while no one part of the United Kingdom can have a veto over our exit, the Government will consult with the devolved Administrations. I have already held initial conversations with the leaders of the devolved Governments about our plans, and I will make sure that the devolved Administrations have every opportunity to work closely with us.

Let me be absolutely clear: this Bill is a separate issue to when Article 50 is triggered. The great repeal Bill is not what will take us out of the EU but what will ensure the UK statute book is fit for purpose after we have left—and put the elected politicians in this country fully in control of determining the laws that affect its people's lives.

In order to leave the EU, we will follow the process set out in Article 50 of the EU treaty. The Prime Minister will invoke Article 50 no later than the end of March next year. That gives us the space required to do the necessary work to shape our negotiating strategy.

The House will understand this is a very extensive and detailed programme of work, which will take some time.

The clarity on the timing of our proposed exit also gives the European Union the time to prepare its position for the negotiation. The President of the European Council, Donald Tusk, said the Prime Minister had brought welcome certainty to the timing of Brexit talks.

We will, as Britain always should, abide by our treaty obligations—not tearing up EU law unilaterally, as some have suggested, but ensuring stability and certainty as Britain takes control on the day of exit and not before.

People have asked what our plan is for exit: this is the first stage. To be prepared for an orderly exit, there is a need to move forward on domestic legislation in parallel with our European negotiation so that we are ready for the day of our withdrawal, when the process set out under Article 50 concludes. Therefore I can tell the House that we intend to introduce the great repeal Bill in the next parliamentary Session. It demonstrates the Government's determination to deliver the will of the British people, expressed in the EU referendum result, that Britain should once again make its own laws for its own people.

It is nations that are outward looking, enterprising and agile that will prosper in an age of globalisation. I believe that when we have left the European Union, when we are once again truly in control of our own affairs, we will be in an even stronger position to confront the challenges of the future. This Government will build a global Britain that will trade around the world, build new alliances with other countries and deliver prosperity for its people".

My Lords, that concludes the Statement.

5.08 pm

Baroness Hayter of Kentish Town (Lab): I thank the Minister for repeating the Statement and I welcome the chance for the House to hear formally, rather than through the press, the decision to trigger Article 50 by the end of March and the plans for the great repeal Bill—a decision which otherwise, of course, we heard about on television. We trust that this is just the first of a number of regular attendances at the Dispatch Box to brief the House on the approach being taken and on progress being made. The decisions that the Government take over the coming months and years, regarding how we exit the EU and our new relations with both the remaining EU and the rest of the world, carry huge implications for us and for future generations.

I am old enough to remember, 44 years ago this month, that it took 69 Labour MPs to defy a three-line whip to take the UK into the Common Market, contributing to the Government's 112 majority. Without those 69—which included the noble Lords, Lord Maclennan, Lord Owen and Lord Rodgers, Lord Hattersley, Lady Williams and Lord Sheldon, and our late colleagues Lord Barnett, Lord Roper and others—Ted Heath would have been defeated. We know the implication of that vote for my party, but all of us also know it was a parliamentary vote: a key, much-discussed, vital, and, for some of those involved, very brave vote that took us into Europe.

How, therefore, can the Government now say that the trigger—the starting gun from which there is no going back—can be fired without a vote in Parliament? The Minister spoke of returning sovereignty to the UK, yet the Government want to exclude Parliament from this process, not simply on triggering Article 50 but also in debating the negotiating terms or the evolving agreements. That is not making Parliament sovereign; it is sidelining Parliament.

Will the Minister explain why the Government will not reconsider their decision to rule out a vote on the basic terms they propose before Article 50 is triggered? We understand the Government were caught short, having had no plans for Brexit in their 2015 manifesto—indeed, they were committed to,

"safeguard British interests in the Single Market".

They then forbade Whitehall from making plans for a leave vote. But that is no excuse for not being ready by early next year to articulate their approach. If the Government proceed to an exit deal without a vote in Parliament, their specific plans will never have the approval of the public or of Parliament. We therefore ask the Minister: when do the Government propose that Parliament should vote on their negotiating objectives?

We nevertheless accept—for some of us, with much sadness—the outcome of the referendum, but that result does not give the Government a blank cheque to negotiate away vital protections for workers, consumers, the environment or, indeed, the interests of business. Throughout these coming years and the complicated negotiations, the national interest—not just the Conservatives' interests—must come first. Aside from defence and national security, and our continuing membership of Europol, the economy and jobs are central to the national interest. Yet, it appears from the Prime Minister's statement to the Conservative conference that Brexit means hard Brexit and that continued access to the single market is at risk, with huge risks for the economy, jobs, business and working people. Will the Minister assure the House that the Government will seek continued access to the single market on the best possible terms? Can he rule out a default position of falling back on to the WTO terms?

For my generation—perhaps for me in particular, having been born in a war-torn Germany in the late 1940s, growing up in a divided Europe, but then able to witness the blossoming of a free, open and prosperous Europe, built on free trade in a single market—the next two and a half years will be utterly demanding as we seek a new relationship with our continental allies. It is the defining issue of this Parliament and a major task for the House. Perhaps the Minister could tell us: when is the next parliamentary Session, when the great repeal Bill will arrive? Will he confirm that he will take the House with him every step of the way?

Baroness Ludford (LD): My Lords, I also thank the Minister for repeating the Statement. I start, though, by querying the claim that the mandate of 23 June was "overwhelming". Compared with the overwhelming mandate of the 1975 referendum, which was a 2:1 vote, this was a narrow majority, sending a rather unclear message that the Government are overinterpreting.

[Baroness Ludford]

While it may have been a narrow decision to leave on 23 June, it was not the decision to trigger Article 50, which first requires a great deal more knowledge of the destination.

The Government's conduct of the Brexit process needs to meet at least four criteria. First, given the enhancement of parliamentary sovereignty and supremacy promised by the Secretary of State in his Statement of 5 September, the pledge in the Conservative manifesto of 2010 to reform the use of prerogative powers, and the claim in today's Statement that the,

"whole approach is about empowering this place",

I am surprised by the Prime Minister's refusal of a parliamentary vote. The claim is that sovereignty is being returned to the institutions of the UK. That must mean Parliament, but it is not being done. I would like the Minister to explain why.

The Constitution Committee of this House said in its report last month:

> "It would be constitutionally inappropriate, not to mention setting a disturbing precedent, for the Executive to act on an advisory referendum without explicit parliamentary approval—particularly one with such significant long-term consequences".

I think that many in this House would agree with that. Indeed, Professor Mark Elliott, who is the legal adviser to that committee, has said in a blog that the Government's "grounds of resistance" in the current litigation concede that permission is required from Parliament. They then say that permission was given by the referendum Act, which many of us would dispute, but they have conceded in that court case that Parliament's permission is needed.

The second criterion, referred to by the noble Baroness, would be fulfilment of the 2015 Conservative manifesto pledge to stay in the single market. That is supported by the point stressed by the leave campaign that people voted in the 1975 referendum for the common market. Many people agreed with that, so, by implication, most people are happy to stay in the common market. Why are the Government not aiming to stay in the single market?

Thirdly, we need good governance. I perfectly agree that it is,

"now incumbent on the Government",

as the Statement puts it, to deliver as orderly and smooth an exit as possible, providing maximum certainty for businesses and workers. Well, with business up in arms about the current uncertainty and the pound dropping like a stone, that is going well, isn't it? The Government owe us all some certainty.

Fourthly, the Chancellor remarked that the British people did not vote to become poorer. That is on the cards, with import prices set to rise heavily in the new year, affecting everybody's pocket and wallet.

Finally, the Government say that they want to move forward on a repeal Bill in parallel with the Brexit negotiations. Whatever the timing of such legislation, for which the implementation will fall due in 2019 at the earliest, it should not distract from the overwhelming need for this Parliament to be in the driving seat for the negotiations, and to not be a left-behind passenger.

Lord Bridges of Headley: I thank both noble Baronesses, Lady Hayter and Lady Ludford, for their remarks. I am sorry that we are starting on a note of some discord and not harmony. I am sorry to sound a little like a cracked record, too, but the Government's position on Article 50 is very clear and has remained so right from the moment of the referendum result: that the Government will exercise this measure under royal prerogative. As your Lordships will know, this matter is now before the courts; we are defending our position rigorously. We see a great difference between exercising this power under the royal prerogative and the whole act of withdrawing from the European Union and replacing powers in this House, which is to restore powers to this House overall. These two things are totally separate.

We will not exclude Parliament from this process. This is the second Statement that I have made—I am appearing before a number of your Lordships' committees, as are my colleagues in the other place—and the point of it is to make clear the procedure by which this House and the other place will be involved in the process. It is clear that there will be extensive debate over the ECA Bill and, as I have said previously at this Dispatch Box, the Government will respect the legal and constitutional procedures and precedents that govern treaties and their ratification. On top of all that, there are other mechanisms for this House and the other place to hold the Government to account, one of which is the opposition day debate, which I believe will be held on Wednesday, so there is all manner of means of accountability.

On the means by which the Government are to be held to account before we even begin negotiations, again I ask noble Lords to just stop and think for a moment. Is it wise for the Government to set out their entire negotiating position in advance and then be bound by it? I ask noble Lords to pause and reflect on that. We obviously need to proceed in the national interest. That means ensuring we have enough room to manoeuvre, while keeping this House properly up to speed. That is our intent.

Secondly, on what we will negotiate, I can understand why the noble Baroness, Lady Hayter, asked me about ruling out various options such as WTO. Again, I am not in a position at the Dispatch Box now or at any other moment in the next few weeks—dare I say months—to start ruling out this, that or the other. That would be exactly what those on the other side of the negotiating table would wish us to do and is why my right honourable friend the Prime Minister made it very clear we will not provide a running commentary. We have and will continue to set out our overarching aims. One of those aims is obviously to ensure that British firms and businesses continue to enjoy the maximum possible access to trade within Europe. That is that and I will not go further into it now.

Finally, on the economy, I understand what the noble Baroness, Lady Ludford, said about what is happening currently on the currency markets but I will not speculate on that. However, under the stewardship of this Government and the previous one the economy is in robust health. It is doing very well and we continue to enjoy some very good economic statistics.

I am sure that my right honourable friend the Chancellor of the Exchequer will have more to say about that in the Autumn Statement to ensure that we protect and strengthen our position.

5.21 pm

Lord Lamont of Lerwick (Con): My Lords, I welcome the Minister's Statement. He is quite right to emphasise how absurd it is for the Opposition to advocate that the actual aims of the negotiation should be paraded in public. When the Minister hears the Opposition preaching the merits of membership of—not access to—the single market, will he perhaps remind Members opposite that there are some disadvantages to such membership? These include the facts that we cannot make our own trade deals, that we must accept regulation applying not just those to firms that export to Europe but to the whole of the economy, and that we must make a significant financial contribution equal to 0.5% of GDP. These are significant things that cannot be wished away.

Lord Bridges of Headley: My noble friend makes some very wise points, coming from the position that I know he does. It is absolutely critical that as we go on we are very clear and precise in the terms we use. As he rightly said, there is a great difference between membership and access. In the debate over the last few weeks, people have become rather confused on this. I agree that it is critical that we are clear what we are talking about. On where we are going, as I said, I am not in a position at the Dispatch Box to go further in defining the Government's course of action other than to say that clearly we are considering a whole range of options, but equally clearly it is in our interests to ensure that we get the maximum freedom for business to trade with and within the single market.

Lord Bilimoria (CB): Would the Minister just clarify the timing? The Prime Minister has decided to go ahead with pressing the button for Article 50 by the end of March next year. Yet I heard from a very senior level of the Government at the time the referendum was declared last summer, "Why did you rush into this?". We rushed into it because the Europeans told us, "Get it out of the way before the French and German elections". Now we are rushing into it with the French and German elections, and we have two years in which to negotiate when their minds will be on their elections. Could the timing be explained?

On the prerogative, why is it that when a Prime Minister has a prerogative to go to war, every time—whether it is Iraq or Syria—they come to Parliament to approve it, yet in a situation like this, one of the most important decisions in 40 years, Parliament does not have a say? How can the Government say it was a definitive decision? It was 52:48. It was not 70:30 or 60:40 but 52:48. The instruction of the public was to leave—but on what basis? No immigration or reduced immigration? No contribution to the EU or reduced contribution to the EU? If it is not definite, why can we not have a say in helping the country to, in the words of the Statement, deliver prosperity for its people?

Lord Bridges of Headley: I say politely to the noble Lord as regards his second point: we are not going to have backsliding over the result of the referendum. The result was absolutely clear and we intend to deliver on it. As I said, there will be ample opportunity to hold me and my ministerial colleagues to account at this Dispatch Box and in the other place for the reasons I set out. As regards timing, I hear what the noble Lord says about the French and German elections and other events but I have to say to him: on the other side of the argument are those who say, quite rightly, that we need to have some certainty and some deliberate speed in getting on with this, and that we cannot be seen to be dragging our feet. That is why the Prime Minister has set out what I see as a very timely and measured approach to executing the instruction we have received.

Lord Carlile of Berriew (LD): Can the Minister reassure the House that nothing will appear in the great repeal Bill that will undermine the improvements in civil and political society in Northern Ireland and Ireland? That reassurance is needed soon and must guarantee that the beneficial border arrangements on the island of Ireland will not be removed.

Lord Bridges of Headley: The noble Lord makes an extremely good point. We already have had extensive discussions with the Irish Government and in Northern Ireland. We are all absolutely determined that we will not see a return to the past or to the hard border. As regards the repeal of the ECA, I entirely take his point on that. I would be happy to meet him to discuss any specific points he has on that. I think we are all aware of the sensitivities surrounding the situation in Northern Ireland and the Republic, so thoughts from the noble Lord and others on how best to proceed would be greatly appreciated.

Lord Liddle (Lab): My Lords, does the Minister accept that the two-year time period for Article 50 is an extremely short period, as most experts think, in which to negotiate a comprehensive free-trade agreement with the EU? Therefore, the key question becomes: what interim arrangement will the Government put forward? Will he assure the House that the Government have not ruled out as the interim arrangement full membership of the single market?

Lord Bridges of Headley: The noble Lord makes an interesting and very valid point. A week may be a long time in politics—God knows what two years is, therefore. Two years is a considerable amount of time, but he makes an important point. The matter of transitional arrangements, as has been widely reported, has been raised with the Government by businesses and business organisations, along with a number of other issues, concerns and thoughts that they have. We are considering them all. I am not going to start ruling in or out any of these points at the Dispatch Box now, but I assure him that his point has been noted.

Lord Howell of Guildford (Con): My Lords, the question about Northern Ireland and the Republic of Ireland is really a practical, immediate matter. It is my understanding that to avoid the reinstatement of the

[LORD HOWELL OF GUILDFORD]
hard border, which would be very dangerous, we are proposing to have migration controls at Republic of Ireland ports of entry from other parts of the European Union. Can the Minister comment on that?

Lord Bridges of Headley: I think that my noble friend is referring to a story that appeared in one of the newspapers this morning. There is an existing high level of collaboration between the United Kingdom and Ireland to strengthen the external Common Travel Area. A whole range of processes is already under way. As I said a moment ago, we are in close discussion with our counterparts in the Republic and, obviously, in Northern Ireland itself to look at what else we might do, depending on the options we come up with. I am sorry to say that I cannot go further at this point.

Baroness Hayman (CB): My Lords, perhaps the Minister could give a little detail about the parliamentary scrutiny arrangements that will follow on from the repeal of the European Communities Act. The Statement spoke of putting elected politicians fully in control. Can he tell the House exactly how that will work with regard to the huge volume of legislation that is envisaged following the great repeal Act? Can he assure us that there will be full parliamentary scrutiny and that the great repeal Act will not be one great Henry VIII clause?

Lord Bridges of Headley: The noble Baroness makes an extremely valid point. I assure her and all your Lordships that we will give ample opportunity to this House to discuss the Bill and to look at the mechanisms that might be required to go into it to ensure that we have an orderly and smooth Brexit. As we speak, departments across Whitehall are looking at what might be required to be done to ensure that when we transpose EU law into UK law it is done in an orderly way, and to identify the amount of work that is required. I am already in conversations with a number of your Lordships about how the delegated powers that might need to be taken on might be exercised. I am completely aware that this matter will be of great interest to your Lordships and I fully intend to engage as closely as possible with as many noble Lords as possible beforehand.

Lord Wigley (PC): My Lords, does the Minister believe that if we move Article 50 by March, as he indicates, we would have a right in circumstances where the negotiations were totally unsatisfactory to withdraw that application or is the situation that once we have moved it, we are stuck with it whatever the consequences?

Lord Bridges of Headley: All I will say is that we are intent on making a success out of this, and, once we have moved Article 50 and begun this process, to ensure that it is seen through successfully and smoothly.

Lord Campbell of Pittenweem (LD): My Lords, I hope that the Minister will not take it amiss if I say that we are no wiser, and certainly no better informed, as a result of this Statement. I again declare my interest as chancellor of the University of St Andrews. Where in the Statement, or in anything said by way of ministerial statements in Birmingham last week, is there any comfort for the universities of Great Britain as a consequence of our removal from the European Union if, as appears likely to be the case, we embark upon leaving it whatever the terms and conditions may be?

Lord Bridges of Headley: My Lords, I have had conversations with a number of representatives from the university sector. We discussed the concerns that they might have and my right honourable friend the Chancellor has addressed a number of those concerns as regards funding. They also spoke of issues such as migration and access to talent. I draw the noble Lord's attention to what my right honourable friend the Secretary of State said in Birmingham last week. He made it perfectly clear that we are determined to ensure that, post-Brexit, this country has continued access to the talent that it requires to succeed, be that in any sector of the economy including the university sector. I have spoken personally to a number of university representatives to ensure that they come up with ideas as to how we might best do that.

Lord Hain (Lab): My Lords, why does the Minister say that Parliament should remain in control after Brexit, quite rightly, but not before Brexit? This is not a question of seeking to overturn the referendum result nor of parading your negotiating credentials in public beforehand. It is about asserting Parliament's fundamental right, including this House's right, to approve the terms of Brexit because those were never spelt out by the leave campaign. People voted against remaining in Europe but not for anything. Surely Parliament should have the chance not just to scrutinise but to amend any proposal put to it on the terms of Brexit so that it is in the United Kingdom's interest, in the view of Parliament.

Lord Bridges of Headley: I am very sorry to say that I disagree with the noble Lord on this. This Government have been given an instruction to deliver on Brexit and that is what we intend to do. I am loath to use the phrase "Don't bind my hands" in relation to Europe but that would be the consequence of what he is attempting to do. We need to be able to negotiate in the nation's interests: that means having the ability to negotiate the best deal for Britain.

Lord Elystan-Morgan (CB): My Lords, I invite the Minister to assist the House with regard to one particular aspect of Article 50. That aspect is paragraph 2, which the Minister will recollect says something of this order: that once notice has been given under Article 50, triggering the whole process, it is incumbent upon the European Commission and the leaving state to discuss matters with a view to coming to various agreements. It does not define the parameter of those agreements, which can be illimitable with regard to timing and to any other content. This is not a question of spelling out our specific position but, with regard to the choice or headings of matters to be negotiated, will the voice be heard at any stage of this mother of Parliaments, as enunciated through both Houses of Parliament?

Lord Bridges of Headley: My Lords, I am sorry to repeat what I have said but the voice of this House and the other House will certainly be heard in the process, as I have already set out. As we go through the negotiating process, I am sure that there will be ample opportunity to question me and my colleagues in the other place about how the negotiations are proceeding.

Lord Higgins (Con): My Lords, is there not always a danger with referendums that they become the dictatorship of the majority and do not take into account minority interests, even when the minority is as large as 48%? Does my noble friend agree that we have a representative parliamentary system of democracy which defends minority interests, and that we therefore ought to play a full role in deciding exactly what was meant by the result in the referendum? The other point which ought to be made is that there is some danger of the negotiations becoming a kind of trade-off where you go for either the single market or free movement of people. As far as British industry and finance are concerned, it is entirely in their interests to secure satisfactory arrangements on both. We ought not to be making a trade-off between one and the other.

Lord Bridges of Headley: On the first point, I fear that I have little more to add. As regards financial services, my noble friend makes a very good second point. Again, my right honourable friend the Secretary of State, my other ministerial colleagues and I have been meeting representatives of the financial sector. They have addressed their need for access to talent and access to markets, which brings us on to the issues of passporting and equivalence, and all those points. We are now considering all those matters and noting carefully the points that they are raising.

Baroness Royall of Blaisdon (Lab): My Lords, the sentence in the Statement saying that the Government will convert legislation into UK law "wherever practical" gives little comfort to those of us who believe that workers', consumers' and environmental rights are best protected by membership of the European Union. I also go back to what the noble Lord on the Lib Dem Benches talked about in relation to universities. I declare my interest from the University of Bath, where I know that several people have already withdrawn their candidature from various posts because they are worried about not having a future in the university. Can the Minister say whether all those EU staff who are currently employed in British universities will be able to stay?

Lord Bridges of Headley: On the first point of "wherever practical", I am more than happy to discuss with the noble Baroness any specific points that she might have. This is one of the reasons why we have made this announcement when we have: we need to take a long, hard look at what needs to be done to achieve our aim and to ensure that, when it comes to the day that we leave the EU, everyone knows exactly where they stand, mindful of our wishes to ensure that we have certainty and to protect workers' rights, for example. If the noble Baroness wishes to raise specific points, I am more than happy to meet her. On her second point about universities and university staff withdrawing, I am obviously disappointed and saddened to hear that. The Government's position on EU citizens and UK citizens overseas is clear. We very much hope to come to an agreement with the EU on the rights of UK citizens overseas and therefore of EU citizens here, and we see no reason why we should not be able to do so.

Lord Kilclooney (CB): My Lords, as one living on the border between the United Kingdom and the Republic, I am very relaxed that both Governments—that of the United Kingdom and that in Dublin—want to retain the common travel area in the island of Ireland. We have no problem there. I am afraid that some people in London are exaggerating the issue. The border towns are booming not with bombs, I am glad to say, but with thousands of southern Irish shoppers coming into Northern Ireland every day to do their shopping following the depreciation of the pound. We are benefiting from the referendum decision. But what worries us is the situation in the Republic, which will be the worst hit EU country following Brexit because it is one of our main trading partners. Mushroom producers' units are being closed and meat plants are in trouble. I therefore hope that in the forthcoming negotiations, the United Kingdom will be concerned about the economy in the Republic of Ireland because a bad economy there is not good for Northern Ireland within the United Kingdom.

Lord Bridges of Headley: I thank the noble Lord for his comments, especially given his extensive experience on this. Of course we are very conscious of all aspects regarding the Republic of Ireland and Northern Ireland when we enter these negotiations. I totally heed the point he makes.

I think there is a bit of a myth about the common travel area. Some say that the CTA ceased to exist when the UK and Ireland joined the EU. This is untrue. The CTA is specifically recognised in the 1997 treaty of Amsterdam and continues to be recognised in Protocol (No 20) on the application of certain aspects of Article 26. The protocol recognises,

"the existence for many years of special travel arrangements between the United Kingdom and Ireland".

This is a point that we will obviously need to return to, but it is important to note.

Lord Robathan (Con): What does the Minister think would be the reaction of the British people were the unelected Members of this House to attempt to thwart the clearly decided vote in the referendum in June?

Lord Bridges of Headley: I do not like to think of that very much. I suggest to those who wish to do so that they should humbly think again about what they might be embarking upon.

Lord Wrigglesworth (LD): The Minister described the trading paradise that we are going to have when we leave the EU. Will he remind us of all those trips Prime Ministers, Chancellors, Secretaries of State for

[LORD WRIGGLESWORTH]
Business and other Ministers have made to further our trading interest in India, China and around the world? What is going to change? What are the Government going to do as a result of this removal from the European Union that is going to bring this trading Valhalla to us that has not been brought about in the past?

Lord Bridges of Headley: My Lords, I am sorry to say that I beg to differ. The opportunities now before us will be quite considerable. Just because we may have had some difficulties in the past does not mean we will have difficulties in future.

Wales Bill

Second Reading (Continued)

5.41 pm

Lord Howarth of Newport (Lab): My Lords, this Bill should not have been placed before Parliament in the state it is in. For all the work of the Silk commission, of which the noble Lord, Lord Bourne, was a distinguished member, three successive Secretaries of State, pre-legislative scrutiny of a draft Bill and then scrutiny of this Bill by the House of Commons, it is a mess. It is confused and opaque. The opacity is not just because this legislation is not consolidated, although it is very unhelpful that that is the case. The Bill is based on no discernible constitutional principles. It expresses no clear or convinced vision for Wales or for the United Kingdom or for the relationship between the two. With the fractures exposed by the EU referendum, such a vision has never been more needed.

The Bill is not the product of a concordat between the Governments of Wales and of the United Kingdom. It will not fulfil the aspirations of the people of Wales for full law-making powers vested in the National Assembly as expressed in the referendum of 2011. It will not,

"put Welsh devolution on a stable footing for the long term",—[*Official Report*, Commons, 14/6/16; col. 1644.]

which at Second Reading the Secretary of State described as the ambition of Ministers. There is a lack of ambition here for Wales. Rather than seeking to provide for Wales devolutionary parity, or near-parity, with Scotland and Northern Ireland, Ministers have tried to get away with the minimum they can. Power, instead of being shared generously between England and Wales, is being grudgingly contested in a zero-sum game.

My noble friend Lord Hain famously said that devolution is a process, not an event. The process to which this Bill will consign us will be one of frustration for Wales, legal uncertainty and continuing friction. Yet another round of legislation—a fifth go—will soon be needed. That phrase, "a new constitutional settlement", which the noble Lord, Lord Bourne, used in his peroration—is peculiarly inapplicable to this measure.

The Secretary of State insists that his underpinning principles in preparing the Bill have been clarity and accountability. Whatever accountability there may be for the Welsh Government if they should avail themselves of the new power to vary rates of income tax, there will be no clarity in the absence of a commitment by the Government of the United Kingdom to extend the minimum funding pledge beyond this Parliament and to compensate for the loss of European payments to Wales following Brexit. Without that commitment the Government of Wales are being offered a pig in a poke. Why would they impose an income tax increase on the hard-pressed people of Wales when the Chancellor's response may be to cut the grant to Wales? I think we should reflect very carefully on the thoughtful speech in this regard about the fiscal framework by the noble Lord, Lord Crickhowell. This Government, like their predecessors, are too scared of Scottish voters to reform the Barnett formula, so they are leaving Wales disadvantaged while giving a meaningless new power to the Welsh Government. They are also scared of Welsh voters and are reneging on their manifesto promise of a referendum in Wales on devolution of powers to raise income tax.

While providing extensions to the legislative powers of the National Assembly, the Bill does not concede a distinct legal jurisdiction for Wales. The noble Lord, Lord Bourne, set his face emphatically against that in his speech. Here I part company with the noble Baroness, Lady Bloomfield, whose maiden speech I enormously enjoyed and admired. After more than 15 years of devolution there is now, as the Bill recognises, a substantial body of Welsh law that has been created within Wales. That body of Welsh law will grow with use of the powers to be newly devolved. Already there are practical problems, with English counsel and judges being insufficiently versed in the parallel corpus of Welsh law. The Ministry of Justice and the courts in England are more than hard pressed to deal with the challenges they face in England alone. It is not sustainable to have two legislatures making law in one jurisdiction. The time has come at least to legislate to provide the ability to accord to Wales the respect and dignity of having its own jurisdiction.

My noble friend Lady Morgan of Ely was generous in her assessment of important aspects of the Bill. She described it as a considerable improvement on the provision for devolution that has so far been in place. Of course we should be grateful for the small mercies that the Bill does provide: powers to develop small ports and small energy projects, and control over aspects of transport and environmental policy as well as over equalities policy and arrangements for elections. While I welcome the Government's conversion to the reserved powers model of devolution, the version offered in this Bill is, frankly, absurd and insulting to Wales. A studied vagueness in the drafting makes it impossible to be sure of the precise number, but the new Schedule 7A contains 190 or 200 reserved powers—different noble Lords have totted up different totals. Whatever the total may be, it is vastly more than the powers reserved in relation to Scotland. The imprecision of the schedule makes it inevitable that the two Governments will again have to resort to the courts to rule on what precisely is devolved. After the agricultural wages saga, that is what sensible people want to avoid.

It appears that the Wales Office ignored the advice of the Welsh Affairs Committee that it should issue guidance to other Whitehall departments as to the principles and considerations that they should apply

in deciding what powers they wished to reserve, and instead has accommodated a dog-in-the-manger stance department by department. The Secretary of State claims that there is a clear rationale for each of the reservations, but what constitutional principle causes the Government to refuse to devolve to an experienced and—as the noble Lord, Lord Bourne, acknowledged—mature Welsh Assembly powers over crime, public order and policing, including specifically such matters as anti-social behaviour, knives, drugs and prostitution? If the Home Office thinks it has a monopoly of wisdom, nobody else does. These are responsibilities devolved to Scotland and to be devolved to city regions in England. Why not to Wales? There is no principled basis for this reservation; it is simply a case of the Home Office saying, "What we have, we hold".

If the Welsh Government should wish to improve access to justice—fundamental to a liberal society—by reversing some of the UK Government's disgraceful cuts to legal aid, why are they forbidden to do so? On what principle is Wales not to be allowed competence in the licensing of entertainment or the sale and supply of alcohol, or for betting and gaming? Why should Wales not take responsibility for its own sins? If Wales wishes to be virtuous, why is it not entitled to take that decision? What about advertising, charities or adoption services? Do we need uniform policies on such matters across England and Wales? Are Welsh legislators unfit to determine them for Wales? If Wales can take charge of its planning policy, for what good reason will it not be allowed to determine its own policy on the community infrastructure levy? How can it make sense to separate competence for the two? Why on earth is policy on industrial development in Wales reserved to Whitehall and Westminster? The noble Lord, Lord Bourne, spoke of the responsibility of the Government of Wales to ensure that the Welsh economy performs well.

If the National Assembly is to determine electoral law for Welsh elections, why is it to be precluded from exercising powers in relation to the funding of political parties—an issue which, lamentably, for many years politicians at Westminster have failed to grasp? Since, pace the Secretary of State, the rationale for these and large numbers of other reservations is not clear, we may have to table amendments to delete each reservation individually, so that in the debate on each one the Minister can explain the reason. My noble friend Lady Morgan may or may not seek to strong-arm me to prevent me doing that, but she will have a good wrestle.

It is not just that Whitehall begrudges reasonable freedoms for Wales. Even as the Government are slashing parliamentary representation of Wales at Westminster, they are taking powers from the Welsh Assembly. Bizarrely, in a measure paraded as taking devolution a stage further, Whitehall is actually retracting devolved powers. This is partly because so-called silent areas, where hitherto powers were not specified or were specified ambiguously, and Wales exercised them de facto, are now included in reservations. Of course what the noble Lord, Lord Elystan-Morgan, had to say about the judgment in the Supreme Court in 2014 is highly pertinent here. It is also partly because the vague drafting of reservations, by reference for example to the "subject matter" of large amounts of preceding legislation, enlarges the scope for reservation. With better, more precise drafting, the reserved powers model could have been introduced with no diminution of Assembly competence. As it is, Assembly competence is reduced in regard to, for example, aspects of employment rights and criminal offences against young people, as well as through the tests of competence in new Schedule 7B on modifying the law on reserved matters and Minister of the Crown consents. All this is helpfully discussed in the excellent report of the Constitutional and Legislative Affairs Committee of the Assembly, on which the noble Lord, Lord Elis-Thomas, served. The Bill gives with one hand while it takes away with the other. It gives new meaning to the phrase "take back control". The Minister should at least tell the House which powers the Government are deliberately removing from Wales and why, and which powers they are removing inadvertently.

Brexit is a new ghost at this devolutionary feast. We now have before us a huge agenda of repatriation of European Union law to the United Kingdom, and then of examination and modification of its components. It will not be enough for the Government and Parliament in London to handle all this on behalf of Wales. The Government of Wales must be a champion for Wales, and the Assembly must play its part in legislation for Wales. The Bill began its passage through Parliament before 23 June, and Clause 19 on implementation of EU law does not appear to meet the point. How will the Government reframe their devolution policy to take account of Brexit?

I have been severe about the Bill because bad law will make good government in Wales more difficult. We must seek, in consultation with the Assembly, and as far as possible consensually in this House, to improve the Bill.

5.54 pm

Lord Morris of Aberavon (Lab): My Lords, perhaps I may put on record my appreciation of the way the noble Lord, Lord Bourne, who takes his title from my home town, has done so much to mould opinion among his colleagues. The Assembly, as he stated earlier, is now a permanent feature of our national life in Wales.

The Bill is another step in the granting of democratic control to the people of Wales, sitting as an elected body in Cardiff. When I introduced a Wales Bill as far back as the 1970s, I got a great deal of flak for using the word "Senedd", meaning senate; it was a bridge too far for many of my nervous colleagues. How we have moved on since then. This Bill is an improvement on the last offering of the Wales Office, but it still fails to grasp the fundamental point that every opportunity should be taken on the face of legislation to avoid litigation, first by limiting the number of opportunities and secondly by ensuring there is clear water in the demarcation of what Cardiff can legally do and what must be reserved to Westminster. There are, as has been mentioned, more than 20 pages of specific reservations—something of the order of nearly 200, if my arithmetic is correct. This in itself makes the Bill deserving of rejection. The Government should go back to the drawing board and think again.

[Lord Morris of Aberavon]

The reservations have all the fingerprints of every department in Whitehall's objections, solemnly paraded in statutory form. We had similar problems in the 1970s. The difficulty is that today's Wales Office has a minuscule staff and very limited statutory drafting experience. Our remedy was to bring in Cabinet Office nominees to knock heads together, which is what Sir John Garlick and Sir Michael Quinlan—both to become outstanding civil servants—did. That is how we eventually got the Bill off the drawing board. As night follows day, this Bill will be the precursor of more Wales Bills and is an unnecessary exercise in constitutional navel-gazing, when the public's concern is over the quality of government in Wales on the issues that affected my constituents for more than 41 years—health, education, social services and jobs.

The ethos of devolution is that such issues are decided in Cardiff, but we should not be blinded to the successes and alleged shortcomings of the Welsh Government. A wise Government might consider, now that so many years have passed, having some form of independent assessment—a sort of Welsh mini-royal commission—to give a considered view of their record and to suggest possible improvements. I suggest this not as a critic but as a friend of the First Minister and of the Assembly, who are to be congratulated on what they have achieved so far. My personal experience after what could have been a near-fatal motor accident a year ago was, regrettably, questionable so far as hospital care was concerned, which left a lot to be desired when it came to the availability of different forms of treatment and indeed of a ward where one could sleep night after night undisturbed. I have been pursuing my former constituents' interests ever since and am I grateful for the co-operation of the senior staff at Carmarthen.

The health service in England, too, as we all know, has many problems. It is the provision of comparable health treatment, social services, education, and success in inward investment, that we should be talking about, particularly after the dismantling of some of the machinery that I set up—the WDA, the Land Authority and the DBRW. Our Civil Service, good as it is, can always do with the infusion of expertise from business and trade unions, which are closer to the coalface. With grown-up Governments in Scotland and Wales, do we really need Secretaries of State for Scotland and Wales? They seem to be, at best, claimers of credit for the achievements of other departments—and, at worst, state-paid propagandists for their parties at Westminster. Surely the time has come for more intergovernment negotiations without intermediaries.

I confess to having created a role for the Attorney-General to march up and down Offa's Dyke to ensure that the Welsh Government did not exceed their powers. It was intended as a nuclear deterrent—a weapon of last resort, not an opportunity for a trigger-happy Attorney-General to rush to court time after time. We know of intergovernment disagreements only when they are aired in court. How much time is spent by a busy Civil Service on those issues that do not come to the public eye? The Bill may give even more opportunities for litigation unless the Attorney-General's chambers have learned lessons from burning their fingers too many times.

Historically, there are two important milestones in my party's commitment to devolution. The first was the invitation by Jim Griffiths, MP for Llanelli and deputy leader of the party, to Lord Prys-Davies, whom we miss, to put his thoughts about an elected all-Wales democratic institution on paper, in 1952-53. My party had nothing at the time in writing. He published his pamphlet, *An Elected Body for Wales*. In the main it dealt with local government powers, but it was a national body that he envisaged. I had no responsibility for that, but I would return home from Cambridge and from the Army in Germany for long and earnest discussions with him on Wales's future. I had been planning to study the Stormont Government as part of my master's degree at Cambridge, but there was no other model at the time.

The second milestone was the setting up of the Royal Commission on the Constitution by Harold Wilson—first under Lord Crowther and then, when he died, under Lord Kilbrandon—in 1968-69. The noble Lord, Lord Elystan-Morgan, used his substantial influence to persuade his boss, Jim Callaghan, who was then Home Secretary. The commission and its assistant commissioner for each country comprised persons of exceptional intellectual ability and experience in the affairs of state. It may have been the last royal commission; it is not easy to get such eminent persons together. Regrettably, its conclusions were very divided; each one was hammered out and intellectually well-argued, but the sheer variety gave you room to choose whatever solution you wanted.

Totally unexpectedly, I was appointed Welsh Secretary in 1974—to my amazement and indeed the amazement of Wales. I will never forget the PM's words to me in the Cabinet Room: "You are a devolutionist and I would be interested in your proposals". I was given a blank sheet of paper. Despite the absence of its mention in the first draft of the Queen's Speech—this is not very well known—we became committed to flagship legislation. Given other priorities, the big question was: could there be devolution Bills for both Scotland and Wales in the first Session of Parliament? Could Wales be shunted to the end, as a "tail-end Charlie" option?

I opted for the least radical of the Kilbrandon proposals, hoping to persuade most of my colleagues. There is a rich reward for political students if they read my noble friend Lord Donoughue's diaries from the ringside at the many all-day away meetings of the full Cabinet at Chequers. There was a different set of objections at each meeting to any form of devolution. In my noble friend's words, they were "quarrelling like monkeys". Only the PM's determination kept the ship afloat. I assure the House that a reserved powers Bill for Wales was not remotely on the cards at that time. That was the realpolitik of our long and exhausting summer days at Chequers. The rest is history.

Because the Scottish Secretary and I had our hands full in running our own countries, John Smith MP was brought in and, after Second Reading, brilliantly piloted the Bill through. I had the able and exceptionally industrious assistance of no more than two Parliamentary Secretaries at any one time—my noble friends Lord Jones and Lord Rowlands, and the late Mr Alec Jones. I particularly record my gratitude to them. I make the

point because, according to the Library, there are now 12 Ministers in the Welsh Government—certainly there were on 27 May. Their tasks are of course different from ours, but I would be interested in a comparison of the ministerial costs. When the issue is considered of creating and increasing the number of Back-Bench Assembly Members to scrutinise the Government—and there is a problem of scrutiny—I hope the possibility of reducing and redeploying some of the Ministers is taken into account.

After an 18-year gap, it was a privilege for me as Attorney-General to be a member of the Cabinet committee considering Mr Blair's Wales Bill, not as a policymaker but as the Government's principal legal adviser, and to see the Bill through its course. Indeed, it was an unexpected pleasure as Attorney-General to be invited by Mr Alun Michael and his colleagues to the opening of the first session of the Welsh Assembly and to present to Her Majesty a dummy Bill in both languages for her signature.

I hope that some day we will see an end to this parade of Welsh legislation and have a proper reserved powers Bill and—who knows?—a constitutional convention to consider the future constitutions of Wales, Scotland, Northern Ireland and England, too. That is a path I have been treading since 1953.

6.07 pm

Baroness Finn (Con): My Lords, I welcome the Wales Bill, which brings a new era of devolution for Wales by delivering a clearer and stronger devolution settlement. It is a particular honour to speak after the noble and learned Lord, Lord Morris of Aberavon. I knew him as a child growing up in Swansea; he was a great friend of my step-grandfather, Sir Alun Talfan Davies. He will recall that Sir Alun sat as a member of the Royal Commission on the Constitution, which informed the blueprint for Welsh devolution in the 1979 referendum.

It is also an enormous pleasure to speak after the excellent and assured maiden speech of my noble friend Lady Bloomfield of Hinton Waldrist. I have known her as a friend and colleague for a number of years, and share her love of our Welsh heritage and culture. She will bring her considerable experience as well as her formidable energy and enthusiasm to this House. I am also delighted by her support for the Swansea tidal lagoon; I hope to recruit ever more support for this excellent and innovative project.

The key purpose of the Bill is to provide clarity over powers and accountability of those powers. The reserved powers model addresses the patent deficiencies in the current settlement. It establishes a clear line between those subjects that are devolved to the Assembly and those that are the responsibility of the UK Parliament. Too much time has been wasted arguing in the Supreme Court over where powers lie, and the Bill draws a line under those disputes. There is now commendable clarity over who should be held to account for the decisions taken on the public services on which the Welsh people depend.

I very much welcome the Government's commitment to maintaining the single legal jurisdiction that has served Wales so well for many hundreds of years. The body of Assembly legislation can be accommodated, for now, within the single jurisdiction of England and Wales. A separate jurisdiction would impose significant upheaval and unnecessary costs on the people of Wales. The time and money would be far better spent on front-line services. So much has already been done administratively—for example, moving the Court of Appeal, and it would be excellent progress if more cases were actually heard in Wales.

Devolution has greatly benefited Welsh national life, and the Bill grants an important new power to the Welsh Government: namely, the ability to vary income tax. The devolution of some tax-raising powers will make the Welsh Government more accountable for the public services they provide. There was considerable debate in the other place about whether there was a need for a referendum on the subject. As a general principle, I am not in favour of referendums, and I fully appreciate that, after June, we are all suffering from referendum fatigue. However, although I support the Bill in its entirety, I had some personal disappointment that a referendum will not be on offer for the Welsh people as it was for the people of Scotland. If we expect the people of Wales potentially to pay more tax, we should put the question to them and allow their voice to be heard. I would be grateful if the Minister would consider this position and explain what has changed.

Employment and industrial relations will not be devolved to the Welsh Government. This is consistent with the position in Scotland, and the Government were clear that that would be the case with Wales during the passage of the Trade Union Act earlier this year. If the noble Lord, Lord Hain, tables his amendment to disapply this reservation from devolved public services in Wales, I will join forces with my noble friend Lord Crickhowell to support the Government in opposing that amendment. It would lead to an unwelcome reduction in clarity over employment and industrial relations powers— something that the Bill is designed to avoid.

The Bill devolves further powers to enable the Welsh Government to decide on issues that concern the people of Wales. These include putting Wales's natural resources in the hands of the people of Wales. The Assembly will, for example, be able to decide on the planning regime for major strategic energy projects, such as whether fracking should take place and, if so, how it should be regulated. As such, decision-making on the use of those resources will rightly rest with the people of Wales, who are best placed to make such decisions. The Labour Party announced at its conference plans to outlaw fracking and reopen coal mines. It would be a shame to ignore the economic benefits of fracking. Shale gas has the potential to power economic growth, support the creation of jobs and provide a new domestic energy source. This in turn will make us less reliant on imports. We should not turn our back on innovation, and I urge the Welsh Government not to do so.

The Wales Bill is rich in opportunity for Wales, and allows us to channel collective effort into delivering a bolder, brighter future for the people of Wales. In my maiden speech, I spoke of my strong support for the Swansea Bay tidal lagoon project. Last week, members

[Baroness Finn]
of the Government spoke of their resolve to embrace new ideas and industries and to be bold and decisive about our national infrastructure. We are an island nation; we have a safe natural resource in the power of our tides; we can harness that power and, by so doing, nurture a transformative new industry for Wales and the wider UK. As the review undertaken by the right honourable Charles Hendry draws to a close, I urge policymakers at both ends of the M4 to join forces so that Swansea Bay can be the pioneer of this exciting and inherently Welsh industrial opportunity.

The Wales Bill devolves a historic package of powers to the National Assembly. It delivers on its two underpinning principles of clarity and accountability. The new reserved powers model makes clear what is devolved and what is reserved so the people in Wales know who is responsible for what. As such, it enables the Welsh Government to get on with their important task of improving both the economy and devolved public services. It is a welcome settlement for Wales and the people of Wales.

6.13 pm

Lord Murphy of Torfaen (Lab): My Lords, it is a great pleasure to follow the noble Baroness, Lady Finn, and to congratulate the noble Baroness, Lady Bloomfield, on her very fine maiden speech, which we all enjoyed. As an addition to the Welsh Members of the House of Lords, she is indeed most welcome. I also pay tribute to the Minister, the noble Lord, Lord Bourne, who I know is deeply committed to the business of Wales and its prosperity. He has enormous experience in the National Assembly for Wales and as a member of the Silk commission, which provided the basis for the Bill.

I welcome the Bill: it is better—a lot better—than the draft Bill that preceded it. As several noble Lords said, it is the fourth devolution Bill to come to Parliament in two decades. I have been involved in one way or another with all of them. It reminds me of a phrase by a previous Secretary of State for Wales, no longer in the House of Commons, who referred to devolution being a process, not an event. I was not sure at the time that I agreed with that idea, but when I look at my chequered relationship with devolution over the past 30 to 40 years, I understand it. My noble and learned friend Lord Morris gave a very interesting account of the birth of devolution in the Labour Government of the 1970s. I was a rather small but prickly thorn in both his flesh and that of the Labour Government as the treasurer of the Labour No Assembly campaign in the 1978-79 referendum, in which Wales of course overwhelmingly rejected devolution all those years ago.

I began to change my mind for a variety of reasons over the following 18 years and, by the time I became a Minister in Tony Blair's Government and served on the same committee on devolution as my noble and learned friend Lord Morris, I had become a devo-sceptic—I had been a devo-hostile before. By the time I had finished my course as Secretary of State, I had become a devo-realist. Now I suppose I am a devo-enthusiast, to such an extent that I campaigned vigorously for the extension of the Assembly's powers in the referendum in 2011.

Incidentally, I see nothing wrong in having this gradualist approach to dealing with devolution, whether it is here or in Northern Ireland or Scotland. There is no rule that you suddenly have to have a great Bill—like the great repeal Bill—which is all that has to be said or done about devolution. Of course, it does not work like that. We have asymmetric devolution in the United Kingdom, which means that it develops differently in different parts of our country. That applies to Wales as it does to Scotland and Northern Ireland.

Does the Bill do the trick? On reserved powers, it probably does—certainly in principle, but whether it does in practice needs to be seen. In Committee and on Report on the Bill, there is plenty of opportunity to examine that aspect of the Government's commitment to the Silk commission's report. I think that 200 reservations are too many, even after they have been trimmed down from the previous draft, but I quite understand how they got there.

My experience of Whitehall as Welsh Secretary on two separate occasions is that when Whitehall departments are faced, as they are here, with representations from the Welsh Office, Wales Office or Assembly about different powers and responsibilities, they react grudgingly and with great sulkiness, and I suspect that this has happened here. Government departments have been asked, "What do you want to keep? What do you want to give away?". They rarely want to give anything away and there needs to be a central power with the Welsh Secretary, but with the help of the Prime Minister, to ensure that those grudging Whitehall departments are, frankly, told what to do. That is what lies at the basis of the inadequate nature of the devolved powers. There are some which have come to Wales which are welcome—for example, those dealing with oil and gas extraction and ports, except for Milford Haven. However, I am bewildered by the air passenger duty decision. If Northern Ireland and Scotland can have air passenger duty, why cannot Wales? If it is simply because of Bristol, that is not a good enough answer and we should have another look at that.

The entrenchment, as far as we can in our constitution, of the Assembly in law and the provision about electoral law for the Assembly and local government are welcome, but, like my noble friend Lord Hain, I have doubts about two issues. One, touched on by the previous speaker, is the question of employment law. I fully understand that, generally speaking, employment law should not be devolved; it should be a reserved matter for the United Kingdom Parliament and Government. But when it touches on policies and services run by the devolved Administrations, that is different. If the Assembly and local government in Wales are, for instance, to be able to deduct trade union subscriptions from wages, why on earth cannot they do that? The world would not fall in on the other side of Offa's Dyke if that were to happen. It is not about strikes or general issues of employment legislation; it is about practicality and realising that the Assembly and the Welsh Government have a right to deal with those issues that are devolved.

It seems to me ironic that, because of the reserved powers situation, powers that the Welsh Government and Assembly currently have could go back to Whitehall. That cannot be right. I sincerely hope the Minister will have another look at those issues as well.

My noble friend Lord Hain and others also raised the question of the referendum on income tax powers. It depended, of course, not simply on a referendum but on the Assembly agreeing to income tax powers coming to the Assembly in Cardiff. I certainly would not go to the barricades about having a referendum but I remind noble Lords that in 1997, when the people of Wales voted on the whole issue of devolution, they were not asked, as in Scotland, whether they wanted tax-raising powers. I know that it is different if it is a separate referendum, and it is not likely to be very popular, but there is an issue of legitimacy there that needs to be addressed. Certainly the Assembly should give its approval before it decides to take up the issue of income tax powers.

Another vital issue, and something that we saw here in your Lordships' House during the passage of the Scotland Bill some months ago, is that we cannot really deal with a Bill that, in this case, deals with a referendum on income tax without looking at the fiscal framework. I do not think that it is right for Members of this House to deal with the remainder of this Bill in Committee or on Report until some progress has been made with the fiscal and financial agreement between the Welsh Government and the United Kingdom Government. That is difficult at the moment, I know, because Barnett and the whole issue of the block grant needs to be addressed.

I am rather sceptical about devolving income tax powers, not because income tax on its own is a bad thing, or that the argument about accountability is bad—it is not. However, if all it does is plug the gap in a reduced block grant, that is not right. It should be over and above it. The reason for that is that with Brexit and the loss of European funding for Wales, and with the loss of Objective 1 funding—with which I had a great deal to do all those years ago, and which has benefited Wales enormously—the Assembly needs to be able to borrow money to deal with the great infrastructure projects. The way that it could do that is to have an income stream from income tax and also from other areas, including air passenger duty. I ask the Minister to look very carefully at the progress of these discussions and to keep the House informed on them. I hope that when we come to the Committee and Report stages we can deal with these matters with greater perspective.

I agreed with the noble Lord, Lord Crickhowell, when he talked about joint ministerial committees and interministerial conferences, and about the British-Irish Council, which acts as a means by which the different devolved institutions and the Republic can get together. I do not think that we have used those properly over the last number of years. In my view there would have been no need for the Supreme Court to do what it did if there had been proper discussions at ministerial level and it had been sorted out between Ministers of both the UK and Welsh Governments. The machinery is there, it has been set up for some years now, but it should not simply be a grandstanding or a great gesture. There should be working committees between the devolved institutions and the United Kingdom Government.

This is an opportunity. I think that this Bill should go through but that it needs serious amendment. I hope that, in Committee and on Report, noble Lords will have the opportunity to go into greater detail on some of the issues that I and other Members of the House have raised this evening.

6.24 pm

Lord Elis-Thomas (PC): My Lords, it is a particular pleasure for me to be sandwiched between two Secretaries of State to whom I owe a great debt of gratitude. I worked with the noble Lord, Lord Murphy, twice, when he returned as Secretary of State in my period as Presiding Officer of the National Assembly in Cardiff. The noble Lord, Lord Hunt, who is to follow—I am merely a warm-up act for him—gave me my first public appointment, without which I would probably not be standing here today. He stands guilty as charged.

This has not just been reminiscence therapy for former Secretaries of State. All the contributions we have had from all noble Lords who have spoken have been a relevant contribution to today's discussion. Those contributions show up the inadequacy of where we are now compared with where we were when we started. The lack of progress in the last 20 years and more, during my political life in the Assembly and in other places, is something that distresses me about this Bill.

I am not one of those "capital N" nationalists, as my colleagues often find to their chagrin. I used to call myself a Welsh European devolutionist autonomist but I am not sure whether one can use the adjective "European" any more in this House. The constitutional development of Wales is something that I have always sought to promote and to work for, often with great difficulty. Sometimes the context was not there and the politics were not right. However, I think that we should have got further than we have at this stage. It is for that reason that my latest contribution as an Assembly Member and a Member of the Constitutional and Legislative Affairs Committee of the National Assembly at the end half of the previous Assembly, and at the moment, has been an attempt to influence the debate in a new way.

We are not supposed to call ourselves noble friends across the House, but the noble Lord, Lord Bourne, who was a great friend of mine when I worked with him in the National Assembly and who is still a great friend, knows that what we have developed in the Assembly is a legislative body of competence and the ability to scrutinise in the same way that Parliament does. The Constitutional and Legislative Affairs Committee will meet later this week with a committee of this House to discuss these issues.

We have gone on at quite some length in this debate but I want to speak briefly about the constitutional principles that concern me and about where we are and why we have not been able to do better at this stage of our devolution pilgrimage, if I can say that, following on from the noble Lord, Lord Elystan-Morgan.

The Constitutional and Legislative Affairs Committee has Bills referred to it by the Business Committee of the Assembly. We operate in a similar way to other Assemblies and Parliaments. When we got this latest Bill we had already done work on the previous draft Bill. We took serious evidence. We opened a public

[Lord Elis-Thomas]
consultation in June of this year and completed it in September and took serious evidence from the most learned legal opinion we could gather together on the constitution in Wales. All this evidence is in the committee's report. I know that some noble Lords have already read it. My noble friend was complaining that it was not a parliamentary paper. I am not sure whether the Assembly Commission, although I am no longer in charge of it, has the resources to provide all its papers free and in print form. We are, of course, a paperless, digital Assembly, so all Members who do not have a copy can see me later and I will tell them how to print it off the Assembly website. I see that the noble Lord has already done so, and I am grateful to him for that.

We held the consultation, took evidence and had a stakeholder event in which practitioners were involved. The online Loomio platform is still there. That was an attempt to consult in the widest possible way, and we produced this report. I signed up to the report with sadness, because I thought that we should have done better.

We will come back to these issues in Committee and on Report, and there will be amendments. The early clauses of the Bill talk about the permanence of the National Assembly, but I want to know what the legal force of that is. What is the legal force of saying that an institution is permanent? We are here in transient times—we have the great 1662 prayer book, and Prayers at the beginning of our day. We know that we are transient, so what does it mean to legislate for permanence? Even more conflicting and difficult for me is the further clause recognising Welsh law. I am proud to have studied medieval Welsh law at the University of Bangor. I was taught by various scholars, so I know that there is such a thing as Welsh law, because I studied it. Suddenly, we are legislating in Parliament assembled to recognise such a thing as Welsh law. Professor Richard Rawlings is one of the most distinguished constitutional lawyers and persons who has studied devolution, and he told our committee that the clause was a "shocker". It demonstrates the problem of trying to do something symbolic when you do not really want to do anything at all. I am not saying that that is the Government's intention, but that is how it has been interpreted by the academic lawyers that we consulted.

I was grateful to my noble friend Lord Murphy for referring us back to the Wales Act 1978, which became the basis, in a reformed way, of the 1998 Act. That Act was an attempt to legislate in a way that did not recognise the clear difference between a legislature and a Government, although we did not use those words in those days. But now we have the reserved powers model, which has been much heralded to be the solution of devolution in perpetuity—yet we have reserved powers plus reservations or exemptions, which is exactly where we were before. For 12 years, which was probably too long, I worked as Presiding Officer, deciding the competence of legislation; it was all about ensuring that it was in the competence, which meant that we had to take decisions about where the boundaries were of the devolution settlement. Clearly, conferred powers with exemptions take us to the same place as reserved powers with further exemptions. So where are we 200 exemptions further down the road? There is no clarity and no constitutional intelligibility here. In particular, where is the intelligibility for the citizen and the electorate? This is what this is about—it is about writing the law of Wales in such a clear way that the people of Wales, in taking decisions about their political life from day to day, will understand what it means. We are nowhere near that.

Having spent all these years trying to legislate in this place and Cardiff, I stand here knowing that I have failed to deliver a reasonable constitutional system for the country that I sought to represent. That is not my fault and not the fault of the present Minister, nor the fault of the parties here. We have been labouring in this vineyard for many years—but there is a failure to realise that Wales deserves better than the present treatment within the family of nations of the United Kingdom. If we are a home nation, it is time that we came home.

6.34 pm

Lord Morgan (Lab): My Lords, the history of Welsh devolution has been a very tortuous one. Since 1999, it has not been a straight run down the piste but a series of slaloms—but we are making progress erratically, and this Bill takes us further. It has a good deal of cross-party support, although that might not have been apparent from what we have heard in the past few hours. As other noble Lords have said, progress owes a great deal to the Minister, a man I have always regarded as a,

"good deed in a naughty world",

to quote the Bard, perhaps because he was trained in Aberystwyth, although it was slightly before my time there.

Most of the discussion has been around the two main features of the Bill—the reserved powers aspect and the provisions over income tax. I shall deal with those fairly briskly, as so many of the points have already been made. It is profoundly right and long overdue that the Parliament—or, to quote my noble friend, the Senedd—should have reserved powers and not conferred powers. A very strong case for that was made by the Silk report, on the grounds of clarity. It is also important to give greater authority to the Welsh Assembly comparable to Scotland and Northern Ireland. I have never understood why the Welsh Assembly and Government did not have reserved powers from the beginning. We have now got them, although, as noble Lords have said, with a number of limitations.

The Bill has been criticised for its complexity and contradictions. As other noble Lords have done, I welcome many of its features. It is very good to remove the notorious necessity test, which caused a great deal of lack of clarity. I welcome the greater powers and welcome very much the extension of devolution to energy and transport and the running of elections. On the other hand, as noble Lords have said, there are all these many restrictions. As a historian I find it slightly ironic that a measure designed to extend devolution in so many ways goes back on our history. I see that one of the reserved powers is the supply, distribution and sale of liquor. As I tried to explain in a book of mine that appeared—oh dear—52 years ago, and which is still on sale in Aberystwyth in all good bookshops, the principle was admitted in

1880 of the Welsh Sunday closing Act. That is to say, there was a legislative principle accepted for Wales and, accorded through that, the pubs could or should close on Sunday. All these many years later, that is reversed, which is very ironic.

As many noble Lords have said, a lot of progress needs to be made in Committee in that regard. It just shows that over the decades the constitutional and political status of Wales has been unequal. That is what an asymmetrical devolution means—it means that Wales is unequal, and does not have the status in its Assembly or its political authority that the other Celtic nations have.

There has been a lot of discussion about levying income tax. I am all in favour of Wales having the power to levy its own income tax, as Silk recommended. It seems to me, to reverse the famous phrase, you cannot have representation without taxation.

It is unsatisfactory to have your funding based on money that comes from somewhere else that you grumble about, in this case Whitehall and the Treasury. The Labour Party and the Government in Cardiff—and I entirely understand this—have been very critical of many features of this, particularly the fact that it will be yoked to the Barnett formula. They would like to see that removed before Wales has its own income tax: they will have to wait a very long time. The formula was a temporary stop-gap by our dear friend the late Lord Barnett in 1978. There is nothing more permanent than a temporary stop-gap and so it has been with the Barnett formula. I do not particularly like the idea of another referendum. As we have seen with Brexit, the last thing you have with a debate of that kind is a sensible discussion of constitutional and financial principles. There would be lots of wrangling in the press about whether income tax would go up or down and that is all you would have: it would be intellectually worthless. However, the Welsh Government and the Constitution Committee have expressed concerns, so I hope the Minister can give assurances that the overall funding will not suffer and that, in particular, the Welsh Government will have the power to extend their borrowing powers in due course.

I want to talk mainly about three other things. First, it is very important that Wales should have its own legal judicature. It has legislative powers but not a legislative system. We have a growing corpus of Welsh powers coming into being, but we have no structure. There should be a distinct Welsh legal jurisdiction to, among other things, avoid institutional conflict. Again, it is ironic how we have gone back on history. We did rather better under Henry VIII, God rest his soul, than we do now. His Act of Union, as the noble Lord, Lord Elystan-Morgan, will know, created Welsh courts—the Courts of Great Session, which disappeared in 1830. Otherwise, Wales suffers badly in this. We have no designated Supreme Court judge to pay attention to Welsh matters as there is for Scotland. There is an administrative court in Wales, but that is all. Otherwise, the Welsh legal system is administered through London. Therefore we find that Welsh law made in Wales and the wider English and Welsh law administered through the judicial system in London are applied to precisely the same areas of policy. At some stage this is bound to reach confusion and conflict. If you do not take my word for it, there is rather more powerful evidence from, for example, the late Lord Bingham, who spoke very positively in favour of this principle. We have also had very supportive remarks from the Lord Chief Justice. Since his name is Lord Thomas of Cwmgiedd, that may explain his particular way of looking at things.

We do not want a separate Welsh legal system. We are not talking about independence for Wales but devolution: a different political complexion. A separate system would be anomalous and very expensive, but we should and could have a distinct jurisdiction as they do in Scotland, Northern Ireland, the Isle of Man, Jersey and Guernsey. Why not Wales? Why should Wales not have a system which would enable Welsh citizens to feel close to their law and which reflected their deeply felt identity as a nation?

I have two final points. I agreed very much with the peroration of the speech by the noble Lord, Lord Crickhowell: the union. I declare an interest as a member—like the noble Lord, Lord Hunt—of the Constitution Committee. Our report, which the noble Lord, Lord Crickhowell, kindly quoted, was about the union and devolution. This is again an example of piecemeal devolution. I am not criticising the Government particularly on this. It has been happening repeatedly since 1999. Where is the overarching statement of principle about the result of a change of this kind in relation to the union? We reported on this and, as I said previously, a virtue has been made of asymmetry. I do not think it has virtue: it is a way of demeaning Wales. I hope that the Minister, in his response, or the Government, when we look at the Bill at a later stage, can explain the organic relationship of this measure within the overarching union which we wish all these devolution measures to reinforce, not undermine.

My very short final point is that it would be very important to clear up all these issues before we have Brexit. Brexit will have a major impact on Wales in almost every aspect: in agriculture, education, industry, and almost every feature you can think of. It is crucial to have constitutional clarity within the United Kingdom and between all its governmental institutions before the iron curtain comes down.

6.46 pm

Lord Hunt of Wirral (Con): My Lords, in declaring my interests as set out in the register, I reflect on a fascinating and interesting debate with some outstandingly good speeches. I pay tribute to the eminent historian, the noble Lord, Lord Morgan, who joins me in thanking my noble friend Lord Crickhowell for quoting from our committee's report on this very important subject. Like many other noble Lords who have spoken, I am delighted to give my wholehearted support to the principles of this enabling Bill, changing the basis of the legislative competence of the Assembly, moving from a conferred powers model to a reserved powers model.

The obvious principle behind the Bill is one of which Winston Churchill would certainly have approved—namely, bringing power to the people. It delights me that the modern-day Conservative Party so readily and comprehensively embraces that principle, that philosophy, that policy. Another guiding principle

[LORD HUNT OF WIRRAL]
underlying this Bill is to deliver, so far as possible, constitutional certainty. As many noble Lords have outlined, devolution to date has been a journey—always bracing, never dull—but now a destination is in sight. In a world full of uncertainty, that truly is most welcome, to businesses and citizens alike.

The St David's Day agreement was a magnificent achievement on the part of the political leaders of Wales, which I gladly and warmly celebrate. It took devolution, at last, completely out of the cauldron of inter-party debate and created the prospect of a once-and-for-all settlement. A question which has long divided us, not just between parties but within parties too, setting colleague against colleague, is now being settled with a very considerable degree of agreement across the political spectrum. Let us work hard to retain that agreement as we proceed in the debates on the Bill.

I pay tribute to my noble friend Lord Crickhowell, who, between 1979 and 1987, did so much to initiate a programme of major urban renewal, as set out in his book, *Westminster, Wales and Water,* which I commend to this House. After 1987, Peter Walker carried forward that ambitious regeneration programme. Then, after three years, I took up the baton from him.

Like my noble friend Lady Bloomfield of Hinton Waldrist, who made one of the best maiden speeches I have ever heard in this House, I am proud of my Welsh heritage, not just as a schoolboy singing the Welsh national anthem in Welsh—which gave me real advantage in later life—but also to have served as Secretary of State for Wales between 1990 and 1993, and then again in 1995, under both Margaret Thatcher and John Major. After that lengthy period initiated by my noble friend Lord Crickhowell, Wales came to be seen as a force in its own right, standing alongside other European "motor regions". One day I will explain to the House how I managed to persuade the Foreign Secretary that I should be allowed to sign treaties on behalf of Wales, which I did with Baden-Württemberg, Lombardy, Catalonia and Rhône-Alpes.

Inward investment became the driving force of the modern Welsh economy. It still is, and must be. The environment was transformed, too. I am pleased to see in his place the noble Lord, Lord Rowe-Beddoe. I was proud to have secured his appointment as chair of the Welsh Development Agency—not that he took much persuasion. The WDA was reclaiming the equivalent of a football pitch of formerly derelict land every working day. I pay tribute to all that hard work. Yes, we did good work, but there was, in the end, no disguising the democratic deficit that was emerging.

I pay tribute also to the titan of Conservative politics in Wales, whom we miss so much—my friend and colleague, Wyn Roberts, later Lord Roberts of Conwy. Known to friends and opponents—for he had no foes—as the "Bardic Steamroller", Wyn was a redoubtable fighter for the people of Wales, their culture and their economic and social development. He was responsible for re-establishing the Welsh language at the heart of Welsh life. Throughout my time at the Welsh Office, he was an ever-present source of timeless wisdom, good humour and sound practical advice. As has already been mentioned, Wyn inspired me to make one of the best decisions I ever made—to appoint the noble Lord, Lord Elis-Thomas, as chairman of the Welsh Language Board. I am sure Wyn would feel very proud of all that has happened, were he able to be with us today. As a former political reporter, he had a natural and healthy lifelong scepticism about politicians. As a proud Welshman to his core, he well understood the philosophical arguments for devolution. He always greatly regretted the partisan nature of the debate and also warned, charmingly but firmly, against an endless proliferation of the political class.

Looking back, devolution seemed to be a never-ending matter for debate, a continuing process, even an interminable conversation in its own right—a kind of elevated and ever more abstruse academic seminar, not a concrete reality for the people of Wales. I do not believe this is well known, but in 2008 Wyn produced a report for the then leader of the Opposition, David Cameron, setting out the basis for a long-term settlement, transforming self-government for Wales from that debilitating discussion into a solid, entrenched system that would stand the test of time. That report marked a fundamental shift in my party's thinking. It is a testament to Wyn Roberts and to David Cameron that here today we are discussing a very similar set of proposals, now with cross-party support.

I join other speakers who have paid tribute to my noble friend Lord Bourne for the leading role he has played in creating this new, more collegiate climate. He has been both visionary and practical, both a diplomat and a politician. As a party, I strongly believe we have to sense that devolution—perhaps even what used to be termed subsidiarity—is the best possible way of bringing decisions closer to the people. My noble friend grasped that from the outset. I believe that we now have a historic opportunity.

There are still one or two loose ends. I wish that so many of them had not featured in this debate, but we have to recognise that they exist. I know that noble Lords have a range of views on matters of varying moment, from the possible emergence of a distinct and distinctive legal system in Wales to the police. If tempted, I may refer in Committee to an agreement I reached with the then Home Secretary, Kenneth Clarke, about the transfer to Wales of powers over the police, but perhaps I should not delve too deeply into that because it was stopped by the bureaucracy of Whitehall. Both Ken and I have several times realised that we face quite a difficult task in taking this further forward and getting it on to the statute book. There are also cross-border train franchises and the allocation of air passenger duty, but let us not get too diverted. We should concentrate on the broad degree of consensus which ought to sustain us through the passage of this Bill.

There was a time when I feared that devolution would be the first step to the break-up of the United Kingdom. The world has moved on, however, and I have moved on, too. I believe that this legislation not only takes forward straightforward decentralisation, bringing power closer to the people, but also draws a line under a long and fractious debate, which has sometimes overshadowed us all and threatened to supplant positive action with hot air.

I look forward to the debates we shall have in Committee and on Report and to the positive and creative atmosphere in which we will have those debates, so different and preferable to the rancorous discussions that I recall only too well, and which I very much hope we have consigned permanently to the dustbin of history.

6.57 pm

Lord Thomas of Gresford (LD): My Lords, I congratulate the noble Baroness, Lady Bloomfield, on an excellent maiden speech. I was delighted to hear of her interest in green energy and that she is a supporter of the Swansea lagoon. But, more importantly, she is a harpist. I thought that I was the only harpist in this assembly. Having learned the instrument for some years, I hope that we can twang from the same legislative hymn-sheet over a number of years.

Fifty years ago, in the autumn of 1966, in a Wales rocked by the Aberfan disaster, I sat down and drafted the Parliament of Wales Bill, which Emlyn Hooson presented in the House of Commons on 1 March 1967. The noble and learned Lord, Lord Morris of Aberavon, will be delighted to know that I decided to call that Parliament a Senedd. It was to have 88 members, be elected by proportional representation, of course, and have powers to legislate,

"for the peace, order and good government of Wales",

with powers to raise taxes, other than income tax and certain other taxes. The Bill reserved to the Westminster Parliament defence, foreign affairs, currency, international trade, law and order and social security.

I have been looking through the Bill before us in the course of this debate to try to work out how many of the 200 reservations in it could come under those much more simple headings that I put in my Bill. By Clause 9(5) I provided for elected members to be paid £2,250 a year. It happened to be £250 more than I earned at the time as a law lecturer, and I thought that that would suffice. It promoted a ministerial system of government.

The political context of 1966 was that Harold Wilson had won the election and the noble Lord, Lord Elystan-Morgan, had turfed the Liberals out in Ceredigion. I was a bit miffed about that, because I had voted for him in 1964, when he was the Plaid Cymru candidate in Wrexham. In July 1966, Gwynfor Evans won the Carmarthen by-election on a platform which called for Commonwealth status for Wales. How delightful it was to hear dominion status being argued again—Saunders Lewis wanted that when he first set up Plaid Cymru in the 1930s.

A noble Lord: The 1920s.

Lord Thomas of Gresford: I thank the noble Lord. I did not realise that it had such a long history. At the same time, a small group of us, led by Emlyn Hooson, formed the Welsh Liberal Party, and the first president was Sir Alun Talfan Davies, so I was delighted to hear the reference made by the noble Baroness, Lady Finn, to her relationship with my old friend and colleague. If she belongs to the Talfan Davies family, it is as though she were born into the crachach. Our first task, we thought, was to clarify the Welsh Liberal approach to devolution. That was the purpose of my Bill, and I gave evidence about it to the Kilbrandon commission in 1968, which was mentioned earlier.

Gwynfor was a supporter of our Bill, as was SO Davies from the Labour Benches. However, when in June it was listed for Second Reading, it was objected to by the Labour Government and the Conservatives and it fell. When introduced into the Lords by Lord Ogmore in January 1968, Labour and Tory Peers blocked it in the usual way, by an amendment that it should be heard six months hence. The noble Lord, Lord Murphy of Torfaen, was obviously born into that tradition. It will be no surprise, therefore, that we on these Benches support the reserved powers model contained in the Bill, although the principle could be much more easily expressed. Fifty years on, it is comforting if not a little frustrating, to find that the Constitutional and Legislative Affairs Committee of the Welsh Assembly, with Labour, Conservative and Plaid representation but no Liberal, have concluded in paragraphs 83 and 84 of its report that the words,

"make laws for the peace, order and good government of Wales",

would indeed confer plenary law-making authority on the National Assembly. I agree. But in one area I disagree with the CLA committee: that of a single jurisdiction, which your Lordships have debated today.

Because I was a purist in 1966, Clause 19 of my Bill set up a separate Court of Appeal and revived the Court of Great Sessions, to which the noble Lord, Lord Morgan, referred, with its own judges and its own Attorney-General, and a single legal profession. This would obviously have involved the creation of a separate Welsh jurisdiction. I topped it with a Chief Justice of Wales, and to tell the truth, I rather fancied the position myself—it was something to work for. As the noble Lord, Lord Morgan, said, the Court of Great Sessions in Wales was set up in 1542 and lasted until 1830. It had full King's Bench and Chancery civil jurisdiction and full criminal jurisdiction. My Bill proposed the abolition of the assizes, which at that time took High Court judges around Wales, and the creation in Wales of six permanent courts. That in fact happened in any event in the reforms of the court system in 1972.

However, since those halcyon days I have had practical experience of separate jurisdictions. I practised in Hong Kong, Singapore, Malaysia and the Caribbean, which have inherited the common law and the judicial system of the United Kingdom from their colonial past, and it works. Two or three years ago, I was anxious to appear pro bono in a Scottish court on behalf of neighbours in Scotland who were being sued in an intellectual property dispute. I discovered that admission to the Scottish Bar would be at the discretion of the Dean of Faculty and that I would have to pass an aptitude test, which involved—this is two years ago—a written examination paper in the Scots legal system, constitutional and administrative law, written examinations in two of three special subjects, and oral examinations in the criminal law and either contract or delict. Fortunately, the case was withdrawn, with the costs payable to my friends.

In Northern Ireland, the system is that temporary membership may be granted by the Northern Ireland Bar Council committee for a specific case but will be

[Lord Thomas of Gresford]
granted for a maximum of three occasions. A glance at the regulations governing the Irish Bar indicate that a European lawyer may have rights of audience before a court in Ireland but only if he appears in conjunction with a full member of the Irish Bar. Therefore the pattern of all these is that despite the EU lawyers establishment directive 1998, which attempted to make legal qualifications interchangeable across Europe, each jurisdiction in these islands is jealously guarded. The creation of a separate jurisdiction for Wales implies not just separate courts but separate qualifications and separate rights of audience. The noble Lord, Lord Howarth, referred to that. If they can, lawyers lose no opportunity to create an exclusive world. At some future point a zealot might even perhaps call for a qualification in the Welsh language for all lawyers licensed to practice in Wales. After all, there is a right to use the Welsh language in every Welsh court.

In my early years, the Wales and Chester circuit included the Birkenhead courts, because Cheshire then extended to Birkenhead. As a result, we charged any members of the Liverpool Bar who had the temerity to cross the Mersey £5 a case. With that money we built up a fine circuit wine cellar for the Chester Bar mess, which served us very well for years—and, of course, an enduring enmity with the barristers from Liverpool.

There is of course a distinctive body of Welsh law, not only the legislation passed by the Assembly but the inheritance of the common law and of existing acts which relate to areas of policy which are not reserved to Westminster. Current laws in those areas will continue to apply as at present in Wales, even though Westminster amends, updates, repeals or changes them. But there is no need for procedural change in the justice system. The principles of statutory interpretation will remain the same and, unlike Scotland, the language of the law will be the same. There will be nothing to confuse any lawyer qualified in the usual way.

Furthermore, as has been pointed out, there is already an administrative court to deal with judicial review and similar applications involving the interpretation of the legislation of the Assembly. The Lord Chief Justice and Mr Justice Wyn Williams are today sitting on an appeal against Welsh Ministers in Swansea Crown Court in the Administrative Court for Wales. No doubt a number of specialists in this limited type of work will emerge, but that is a very far cry from a wide, separate jurisdiction. Noble Lords should beware of lawyers and academics who might call for just such a jurisdiction simply to corner the market.

I would deplore any extension of legislative powers in criminal law and private law in a way that would create significant disparities with the law across the border. I am sure we will examine where the Assembly has a role to create offences or civil remedies to enforce breaches of regulations in areas which are devolved and not reserved, but it must be limited.

No doubt we will discuss the specific reservations of powers. I was interested in the discussion about the Sunday Closing (Wales) Act 1881. I recall emerging from my Welsh chapel Sunday school at an early age to see queues forming at the bus stop in Wrexham high street. Where were they going? They were going to the pubs in Farndon on the English side of the border. The noble Lord, Lord Howarth, said, "Well, if Wales wishes to be virtuous, so be it". I have never knowingly relinquished my membership of the Band of Hope, so I will fight for the right of the Assembly to turn Wales dry again if that is what the people of Wales want.

The powers relating to water affect me very much. A member of my family comes from Tryweryn. The village was drowned, along with a nearby farm. Lord Hooson and I appeared for the local people when there was an attempt to drown the Dulas Valley. Lord Cledwyn announced at the end of that inquiry that no Welsh valley would again be drowned in order to provide water for England. So I am with anybody who wants to have the powers relating to water devolved to Wales.

I have always believed in, and campaigned for, a Parliament for Wales but we must keep a sense of proportion. We must resist the temptation, for the sake of purity, to grasp and grasp, and grasp again, for a quasi-independent state. This Bill should be about the practicalities of good government. I join in the tributes to the noble Lord, Lord Bourne, to Stephen Crabb and to my noble friend Lady Randerson for all the work that they did in bringing about the St David's Day agreement. There will never be an end to the process unless we finally sort out the fiscal framework for Wales, and I hope that before the Bill is finished we will hear more about that from the noble Lord at the Dispatch Box.

7.13 pm

Baroness Gale (Lab): My Lords, it is a great pleasure to speak in this debate on behalf of the Opposition. I thank the Minister for opening the debate and for his clear explanation of what the Bill is all about as we take yet another step on the journey of devolving more power to the Welsh people and giving them a direct say in what happens in Wales through the Welsh Assembly.

Many noble Lords who have spoken today have been on that journey for a very long time and they have great experience, as we heard from their speeches. As my noble friend Lady Morgan of Ely and other noble Lords have said, we have had five former Secretaries of State for Wales speaking in this debate, bringing to it a wide range of experience. Some, like the noble Lords, Lord Crickhowell and Lord Hunt of Wirral, and my noble and learned friend Lord Morris of Aberavon, were Secretaries of State before devolution. My noble and learned friend mentioned the word "senedd", which was highly political in his day. I can tell him that even in the late 1990s it was still a very political word and most people tried to avoid using it, although today we do so quite freely.

My noble friend Lord Murphy spoke about his journey through devolution, which I witnessed. Now, he is a fully paid-up member of the devolution club. He and my noble friend Lord Hain were Secretaries of State after devolution, as well as in the run-up to it, and they played their part in the second referendum campaign. But all our former Secretaries of State for Wales played a big role, whichever side they were on, and all have made a great contribution to Welsh life.

I was very pleased to hear the noble Baroness, Lady Bloomfield, make her maiden speech. It is so good to have another Welsh Baroness in your Lordships' House and I congratulate her. As she is learning Welsh, I can say llongyfarchiadau—congratulations—on her excellent contribution to the debate. Like me, she is a south Walian, and she attended Atlantic College, as did my noble friend Lady Morgan of Ely. Like, I am sure, all other noble Lords, I look forward to her making further contributions on all matters Welsh.

In the 17 years of devolution a number of Acts beneficial to the people of Wales have been passed. One example was the legislation to bring about the Older People's Commissioner for Wales, believed to be the first in the world and designed to improve the lives of older people in Wales. The Children's Commissioner for Wales was the first to be introduced in the United Kingdom, aimed at improving the lives of children in Wales. The Human Transplantation (Wales) Act 2013 was the first measure in the UK to give people the chance of a longer and better life. Other legislation, in 2011, introduced a charge on plastic bags, thus making a contribution to improving the environment. It has cut down the use of plastic bags by up to 90% and has raised money for charity at the same time. The Welsh Assembly was the first legislature in the United Kingdom to introduce such a measure, and it is good to see that the other three countries in the UK have since followed. The ban on smoking in public places in Wales has contributed to better health, and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 was regarded as ground-breaking legislation.

Those measures would not have happened without devolution, proving that, where the Assembly has powers, it acts on them for the benefit of the Welsh people. They are responsible measures, responding to needs of the people of Wales.

The Bill before us gives greater powers and more devolution to Wales but, as many noble Lords have said, it is still flawed. I believe that everyone is aware that much work needs to be done on it. Indeed, Guto Bebb MP, the Parliamentary Under-Secretary of State for Wales, said at Second Reading in another place:

"It is fair to say that this is a complex and difficult Bill".—[*Official Report*, Commons, 14/6/16; col. 1726].

I think he is right, and I am sure that many noble Lords agree.

The report of the Welsh Assembly's Constitutional and Legislative Affairs Committee on the Wales Bill, published in the last few days, says that its,

"overall assessment of the Bill is that it is a complex and inaccessible piece of constitutional law that will not deliver the lasting, durable settlement that people in Wales",

hope for, but there are elements that the committee does welcome. However, again in contrast, Alun Cairns MP, the Secretary of State for Wales, said at Second Reading in another place that the Bill is one of clarity and accountability. He said,

"the new reserved powers model of devolution draws a well-defined boundary between what is reserved and what is devolved, clarifying who is responsible for what. It is also a major step in extending powers. It will end the squabbles over powers between Cardiff Bay and Westminster, enabling the Welsh Government to get on with the job of improving the economy, securing jobs and improving devolved public services".

He went on to speak about accountability:

"The second principle is accountability. The Bill paves the way to introduce Welsh rates of income tax. It will make the Welsh Government accountable to people in Wales for raising more of the money they spend. This, again, is a major step in the assembly's maturity".—[*Official Report*, Commons, 14/6/16; col. 1645.]

On the devolution of income tax, during the referendum campaign in 1997, Labour went to the polls with one question on the ballot paper, not two as in Scotland. We made a commitment to the people of Wales that there would be no tax-raising powers unless there was a referendum. Now the Government are proposing that tax-raising powers should be given to Wales without a referendum. We need to be much clearer on what this means, as my noble friend Lord Hain has pointed out in detail, because it is such a change in government thinking from only two years ago in the Wales Act 2014. Other noble Lords have said the same. I have no doubt that we will come back to this point in Committee.

On the reserved powers, many noble Lords have outlined what they are and the concerns around them. We are not sure of the figure but it is around the 200 mark. The noble Lord, Lord Elystan-Morgan, said that this was unworthy of the people of Wales and that we are moving backwards. Others have spoken in a similar vein. I am sure the Minister will agree that there is much work to be done on the reserved powers. I know he is always in listening mode and is prepared for discussions and to listen to what noble Lords have to say. I am sure he will carry on in that way.

Many noble Lords have mentioned the air passenger duty. There is disagreement on this matter in your Lordships' House, with the noble Lord, Lord Crickhowell, being against giving air passenger duty to Wales and the noble Baroness, Lady Randerson, saying that Wales should have it. The argument the Government are putting forward on this matter is not a strong one and we will have to have more discussions on it.

On elections, which a few noble Lords have mentioned, we welcome the devolution to the Welsh Assembly of local government elections, the number of members, the age at which people have the right to vote in Welsh elections, the number of Assembly Members and constituencies and the name of the Assembly. We called for this when the Wales Act 2014 was being debated but the Government did not agree then. It is good that they have had a change of heart on this matter and now agree that it is a sensible measure to allow these decisions to be made in Wales. If only we could have had that in 2014.

I am sure the Minister will agree that there will be great scrutiny after listening to what noble Lords have had to say today. We will scrutinise and discuss the Bill during its passage through your Lordships' House and raise amendments, certainly in Committee. As I mentioned earlier, I am sure the Minister will listen to all Members of your Lordships' House and that we can arrive in the end on a Bill on which we all agree. I look forward to the Minister's response.

7.24 pm

The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords,

[Lord Bourne of Aberystwyth]
this has been a debate of rare quality. As has been said, we have had contributions from five former Secretaries of State—the noble and learned Lord, Lord Morris, and the noble Lords, Lord Crickhowell, Lord Hain, Lord Hunt and Lord Murphy—all, obviously, with vast experience of this area. We have also had a contribution of rare quality as a maiden speech from the noble Baroness, Lady Bloomfield. It was truly excellent and I am sure we all look forward to many contributions from her in the future, not only on Wales but focusing very much on it. We have also benefited greatly from the contributions of former Assembly Members, party leaders and former Ministers, from the noble Baroness, Lady Randerson, to the noble Lords, Lord Wigley, Lord Howarth and Lord Elis-Thomas, who also brought their great experience to bear.

I will try to deal with key points that have been made during the course of the debate. Obviously I look forward to engaging in Committee and thereafter on some of the detail. There is a genuine feeling that we want to move forward in a consensual way, as far as possible, and obviously many areas of the Bill have been welcomed pretty much universally—not least in the contribution of the noble Baroness, Lady Gale, on some of the internal workings, elections and so on, which we both agree should have been matters for the Assembly from a much earlier date—probably well preceding 2014.

I thank the noble Baroness, Lady Morgan of Ely, for her kind words in opening. We go back a long way together on devolution matters and I know that she is now adding her wisdom to the counsels of the Assembly. I thank her for what she said and look forward to engaging on some of the issues that she quite fairly set out.

Let me look at some of the key ones. First, on taxation, I can reassure the noble Lord, Lord Hain, that there is no neoliberal assault on the part of the Government. This is a pragmatic approach to an issue that it is high time that the Welsh Assembly—who knows, henceforward perhaps the Welsh Parliament—were able to deal with. It is appropriate that a body of such maturity has the tax powers we are talking about.

It is not, of course, a wholesale tax package. Listening to one or two noble Lords, it sounded as if we were devolving the whole of income tax powers to Wales. That is not the case. We are devolving 10p and there is an ability for the Government of Wales—which is currently the Labour Party, with a Liberal Democrat Minister—to set that at current rates. There is no obligation to vary it. They have to set a rate but they are quite at liberty to set it at the existing rate if that is what they want to do. We have taken away the condition that they are obliged to vary all the rates together. The lock-step has gone, which means that they can be varied quite separately.

That is appropriate now, devolution having come so far. It is nearly 20 years since there was the issue of whether a separate question being put in Scotland should be put in Wales, and a lot of water has flowed under the bridge. We would not be doing Wales any great service by holding things back and saying that there has got to be a referendum on the issue. There is no assault on the state. Listening to the present Prime Minister, it is quite clear that she realises that the state has a powerful role to play. That seems to strike a chord with the electorate because that is where the electorate is, too. That is important. I disagree on this issue with my noble friend Lady Finn. It is appropriate that we move forward on this without greater delay because, in my view, it would hold back Wales.

Moving on to look at that in the wider context of the fiscal framework and the question that the noble Baroness, Lady Morgan, put to me initially about whether we should wait until we have got the legislative consent Motion, I can assure her that I think that that is absolutely appropriate. Although legally we could move this legislation forward without the LCM, that would not be the appropriate thing to do. We are looking for progress from the Welsh Assembly and, as I understand it, discussions between my right honourable friend David Gauke, the Chief Secretary, and Minister Mark Drakeford are going well. I hope that progress continues and that I will be able to give more details to noble Lords as matters progress. That is certainly our intention.

Lord Hain: I welcome what the noble Lord said. Could he give some guidance as to whether clarity on the financial framework will be provided before Report in this House?

Lord Bourne of Aberystwyth: I anticipate that it will be, but it does not have to be. Obviously we will want to make sure that steady progress is being made before Report. As things progress it is anticipated that we could have agreement on these issues before Christmas, but I will ensure that the House is updated on this. As I said, I certainly anticipate we will not go to Third Reading without it and probably we will not go to Report—but I will want to make sure we are making the progress to which I referred before we commit to taking it to Report.

I move to the question of the single jurisdiction. I think there was broad support for saying that, certainly at this stage, there is no desire to move away from a single jurisdiction. I have spoken to representatives of every single law school in Wales and that is pretty much their feeling. It is also the feeling of many practitioners in Wales. We would not be doing Wales any great favours by differentiating the Welsh jurisdiction from the English jurisdiction. It is quite possible, even at this stage, to accentuate and overemphasise the differences that exist. Historically, they are not great. It is very different from the position in Scotland, where the Scottish jurisdiction historically has been very different. So parallels there are not appropriate.

There is a body that is looking at the legal arrangements. As I have indicated, I will update noble Lords on how that body is getting on, because there is an appropriate interest in making sure we have Welsh judges—when I say "Welsh judges" I mean judges not necessarily of Welsh nationality but with Welsh experience—deciding issues that are steeped in Welsh law. That is quite appropriate and what the administrative arrangements we are looking at should take hold of.

I move on to look at reservations—another key area which overlaps to some extent with the Welsh jurisdiction issues around the separate position on

alcohol. I well remember as a student at Aberystwyth that the time I felt most thirsty and in need of a drink was on a Sunday. Inevitably, the only place you could get a drink on a Sunday in Aberystwyth was the student union because it was membership only. Of course, the queue was about a mile long to get there. The alternative in those days was getting a bus into Montgomeryshire, which was a popular thing to do. So I can understand the strong feelings that exist on that issue.

Some of the points made on reservations were somewhat wrongheaded. The noble Lord, Lord Howarth, mentioned the position on knives in relation to the position on devolution to cities. Of course, cities will not have legislative powers in relation to knife crime, so I do not think it is a perfect analogy—but no doubt we can look at this as things develop in Committee. The noble Lord, Lord Elis-Thomas, said that adopting a reserved model is not a solution to all ills. Hear, hear to that. I never thought it would be. Obviously, the discussion on this will be about what is and what is not reserved. I am sure that we will take different views on some of that, but I look forward to discussing it when we come to Committee.

It is great to see the noble Lord, Lord Elystan-Morgan, in his place, firing on all cylinders as always. I thank him for his kind comments. I do not agree with his position on dominion status. I do not hear that as a great clarion call for something that the people of Wales want, but I understand that he has some material points to discuss in relation to reservations and I look forward to hearing them as we move forward.

The conferred model was silent about many issues that nobody would ever anticipate, as opposed to reserved issues such as defence, immigration, the Crown and foreign affairs. Sensibly, nobody was suggesting that therefore these were matters the Welsh Assembly could deal with. It is quite a difficult manoeuvre to go from conferred to reserved. I am very grateful that noble Lords have recognised that we have made progress on this. I look forward to hearing from noble Lords on some of the remaining issues of concern.

I will touch on one or two other aspects raised by noble Lords that are worthy of further investigation. One, brought forward by my noble friend Lord Crickhowell and echoed by the noble Lords, Lord Murphy and Lord Morgan, was the importance of working with existing institutions—perhaps getting the physics right, not just the chemistry, of the relationship between different Ministers to make sure we have some underpinning for when it is necessary for decisions, policies or interactions to be discussed between Cardiff and Westminster. That is a very good point that I will take away and look at to see what we can do on it.

Without getting into the purely philosophical, another issue that the noble Lord, Lord Elis-Thomas, mentioned was the permanence of the Assembly and the strength of the new clause that says the Assembly is permanent. That was something pushed for very hard by the Plaid Cymru representative on the Silk commission—but, on that issue, just as the India Act could in theory be repealed by the Westminster Parliament, I would not overlook the symbolic importance of including the clause that states that the Assembly is permanent because it perhaps underlines the way it is regarded politically. It is a matter of political realities. I am not suggesting that we can alter the Kelsen Grundnorm of the fundamental basis of the constitution, but it is something that has been widely welcomed.

As I said, this has been a debate of rare quality. I thank noble Lords for engaging constructively and I look forward to that constructive approach continuing. Lastly, air passenger duty is not just an issue of the potential unfairness to Bristol, which clearly was and, in the interim, remains an issue relating to the state aid position. It is also a question of fairness within the United Kingdom and in Wales. There is a great danger that we see this as just a tax, the variation of which can help Cardiff Airport. People in north Wales would not consider using Cardiff Airport; they use airports in England. Likewise, in central mid-Wales they would use Birmingham. It is a much broader issue of whether we do something about air passenger duty—as a Treasury issue, that is well beyond my pay grade—across the whole of the United Kingdom, which remains a possibility.

Once again, I thank noble Lords very much for the constructive way they have engaged. I look forward to Committee and continuing to provide information as it becomes available on the way that discussions are proceeding between the Treasury and Cardiff Bay. I beg to move.

Bill read a second time and committed to a Committee of the Whole House.

Sexual Violence in Conflict (Select Committee Report)

Motion to Take Note

7.37 pm

Moved by ***Baroness Nicholson of Winterbourne***

That this House takes note of the Report from the Sexual Violence in Conflict Committee (Session 2015–16, HL Paper 123).

Baroness Nicholson of Winterbourne (Con): My Lords, my first and most pleasant duty is to thank the committee for its amazing work. This is a report of substance and with considerable recommendations in it. We have already had the Government's response, for which we thank the Minister. In my remarks I will also comment on potential next steps, but first I thank the committee and say what a pleasure it was to work with each and every one of them. I am grateful for that opportunity, and for the large number of the committee members able to be in their seats this evening.

Of course, the report came about because of the hard work of our clerks as well. I thank seriously and significantly Aaron Speer, Cathryn Auplish and Thomas Cheminais for their enormous diligence and exceptional hard work. They were supported by Professor Chinkin, who is the director of the Centre for Women Peace and Security at the London School of Economics, as well as being emeritus professor of international law at that university, and by Owen Williams, who deals with House of Lords media and supported us with the launch of the committee's work, the launch of our report, and on this debate. We thank you all. We believe our work shows our gratitude for everything you have done.

[Baroness Nicholson of Winterbourne]

Our topic, the prevention of sexual violence in conflict, was exceedingly familiar to us through its identification by the former Foreign Secretary, my noble friend Lord Hague of Richmond, who placed PSVI as a new pillar of UK foreign policy, in which he was supported by my noble friend Lady Helic. I pay warm tribute to them both. Without that clear leadership, Britain would have had no capacity to focus internationally on this most important topic. Their Lordships drew in Angelina Jolie Pitt, the famous actress and UNHCR ambassador. DfID came in strongly under the noble Baroness, Lady Verma, to whom we are most grateful, with the important departmental policy on women and girls. A key focus of the committee was on men and boys—this is a crime against the whole human family, not just against one aspect of it.

Magnificent Foreign and Commonwealth Office work brought us the global conference on PSVI in London in June 2014. I was glad to be present; I did not make a contribution. It was a magnificent conference. It led directly to the selection of the topic as a suitable one for an ad hoc Select Committee. We on the committee began our work in mid-summer of 2015—we are debating our findings now—and we have not stopped: we have set up an all-party parliamentary group to continue this vital work.

However, your Lordships may be aware that while those lofty aspirations were being discussed, refined and honed, and support sought and gathered by national leaders and the United Nations, ISIL/Daesh was planting its evil flag in both Syria and Iraq. While we were discussing at the far end of London these great ideals, on the ground a new round of sexual violence in conflict was taking place.

The importance of this topic can be given to us only by the victims themselves. I quote: "How could you do this to me? I am young enough to be your granddaughter". Another victim related the following exchange: "'Are you scared?' I said yes. He laughed and said it wasn't his problem. He burnt me then with cigarettes on my shoulder, my stomach and my legs. I didn't even have the strength to speak after that". Another girl said, "A man came in and said he wanted to marry me. But I told him I wouldn't marry him even if he killed me. Then he raped me. He was 60 years old. I was just 15. They raped girls as young as 12. They kept a room full of girls younger than 11 with underdeveloped breasts and they felt them every few days to see whether their chests were developed enough to make it worth while raping them". Another victim said, "One of my friends killed herself. She went to the bathroom and slit her wrists. Then they started raping us. We were screaming and crying. When I saw they were raping girls every day, I decided to try to kill myself as well. I didn't succeed. They brought me back to the room, still alive, and as my punishment they locked me for 12 hours in the room with six armed guards who raped me in every orifice of my body right throughout that time. I was in agony. I bled so much".

That is why we gave such incredible attention to this most miserable of topics. I met those three Yazidi girls who gave us their stories in Baghdad in April 2015. They begged me to have their voices heard. Where better could I take them than our committee? With FCO backing and Home Office support, I brought them to London and to the committee. I pay tribute here to the Prevent programme, whose advice, guidance and help were magnificent. They made a small film of the girls, covering their faces. That went round every single British school. We visited Birmingham and the "Trojan horse" schools and had a massive impact on those young people. I chair the AMAR Foundation, which provided medical cover and administrative support, but the British Government were amazing.

We heard in the committee from other victims, too. A very brave young woman from Uganda, who had been kidnapped and kept in the bush, told us her story. She had been there for years. When she came out, she told us all about victims not being accepted again into their families, which gave us a lot to think about. Three members of your Lordships' committee visited the Democratic Republic of the Congo. We met there other victims. I recall a girl on a hospital bed who had just arrived—there were only two hospitals in DRC that she could go to; it had taken her two weeks to arrive with her mother. She was 14 and speechless. She had been raped by a gang who were supposedly peacekeepers. She needed surgery. The doctor, who had trained in Glasgow, told me that when these girls are pregnant, their wombs will burst, because they are not just raped by other bodies but raped with bits of armaments, wood and nails, so inside their bodies are destroyed. The same goes on for men and boys as well. Physical health and mental trauma are necessary to address.

Our investigations opened a Pandora's box of horrors—Dürer's descent into hell was as nothing to what we heard. Our committee took oral and written evidence from many people; many sessions went on. We understand that we steadily compiled the largest single body of work on PSVI to have been collected. We hope that it will help the various universities, which are showing enormous interest in this work. I was given the opportunity by the committee to go to the recent World Humanitarian Summit in Istanbul in May this year, exactly a year after the committee started its work. Keen interest was shown there, too.

This is an important topic, and our overwhelming view as we compiled our report was that the British Government were right to highlight this crime against humanity; that it was a crime that has been in the shadows but one of massive proportions; and that the British Government should not give up and that what they have started they must carry on. We also concluded that this needed a whole-society approach; it cannot be done by government alone. That is because this crime against humanity is no single episode, nor does it cease when the rapist leaves. The destruction of the victim's personality has been achieved; their core strengths have been demolished; their belief in their own integrity has gone; their trust in others has disappeared. Like torture victims, they are supplicants pleading for life and safety. In that condition, they become victims again. Many go into camps; they become trafficked, forcibly married or squatters. They live from hand to mouth. Frequently, they are not accepted by their families or their villages. Sometimes, we heard that their physical condition is so appalling that the stench is too great for others to go near them.

A whole-healing approach is needed, for body, mind and spirit, for individuals, families, communities and regions.

I pay warm tribute to the Minister, who has travelled and spoken tirelessly in affected countries—country after country. Only two weeks ago, she pleaded the case for PSVI in the United Nations. I give tribute to the right reverend Prelate the Bishop of Derby who joined me at an important four-day conference that we held in Windsor Castle with LDS Charities and the AMAR Foundation, with the backing of Westminster Abbey and Cumberland Lodge. We focused on religious persecution as a driver for forced migration, which must also be taken into account and not just looked at from a humanitarian aspect. That is because most people want to go home and to have a safe future. Very often, religion is used as a cover for theft of property and lives. We have to address these things as well as the humanitarian angle on its own.

Sexual violence in conflict is a moral issue. It destroys the family, which is the basic unit of society. Its impact on the development of peace and security is appalling, and the attacks on the right to worship make it a political as well as a religious issue. It is undoubtedly a legal issue. I believe, as does I think the committee, that if we are the largest aid donor in the world and as the banner-bearer of human rights everywhere with our Modern Slavery Act, Bribery Act and our strong justice and rule of law, it is a British issue. As we reconfigure our international relationships today, we will be even better placed to be the lodestar for the world.

The special rapporteur for the departing Secretary-General for the United Nations is Zainab Bangura. She comments on PSVI that this violence,

"casts a long shadow over our collective humanity".

We in the UK can lift that shadow. To do so, we now need a robust strategic interdepartmental plan supported and implemented by all aspects of British society, with full transparency and common sharing of achievements—a plan and outcomes. That is the way in which the suffering of millions of victims over the years that we have heard and found out about can be not assuaged because it happened but prevented in future. I beg to move.

7.51 pm

Lord Hague of Richmond (Con): My Lords, I declare an interest as visiting professor in practice at the Centre for Women, Peace and Security at the London School of Economics. I thank the committee and in particular its chairman, my noble friend Lady Nicholson of Winterbourne, for their excellent work, their great commitment to this subject and the depth of knowledge they show in what I hope will be a widely read and thoroughly implemented report. I agree with all their recommendations and have a few thoughts to add of my own.

I echo the tribute to our noble friend Lady Anelay on the Front Bench, who took over from me as the Prime Minister's special representative on preventing sexual violence in conflict. She has shown great enthusiasm and persistence in doing so. We all must help her in her work.

The reason I founded the preventing sexual violence initiative, with Angelina Jolie, to whom I also pay tribute, was the people I met around the world over the previous years. There were the women I met in refugee camps in Darfur who were at risk of violence and rape whenever they left the camp to look for firewood, even in camps organised by western aid agencies. They had no protection. The use of rape was clearly a means of instilling terror into the population. I met people in Bosnia who had suffered terribly from organised sexual violence in the conflict there in the 1990s. Tens of thousands of people did so and had never seen justice for these crimes. In fact, it is common in many societies for the victims to live a life of stigma and shame rather than the perpetrators of these crimes.

In Syria, in the conflict that began while I was Foreign Secretary, it soon became apparent that the Assad regime would use all means of violence, including sexual violence, against women and men. That has been followed, as my noble friend Lady Nicholson explained, by the rise of ISIL or Daesh, with the clear objective of enslaving women, actually promising to recruits the opportunity to carry out sexual violence. It is impossible to go around the world with your eyes open without being revolted by these events and sights, and without thinking that someone must do something to prevent such crimes occurring with such impunity. I found in my experience with this initiative that there are really three obstacles for us to overcome in making that effort successful.

The first obstacle is the belief in some quarters that this is not really part of foreign policy. It may be a worthwhile subject but it is in a different box somewhere, an add-on luxury to foreign policy. Certainly I found when I first raised this at the G8 Foreign Ministers meeting in 2013 a certain amount of cynicism, at least from the Russian Foreign Minister, about the need to address this as part of foreign policy. But what is the point of foreign policy if it does not have among its objectives improving the condition of humanity? In any case, it is part of our constant objective in foreign policy to minimise the crises in the world, to maintain peace and security. If mass rape is brought about to make it harder to achieve peace in certain conflicts, which it is, to make it harder for communities to work together, to increase flows of refugees—it is deliberately designed to do that—and to perpetuate conflict, how can anyone say that dealing with it is not a crucial part of foreign policy? Of course it is part of addressing global peace and security. It is indivisible from that objective.

The second obstacle we must overcome is the thinking that it is again a separate issue—a women's issue. It is something that women have campaigned on but male political leaders have not previously troubled themselves to do so. However, these are crimes committed exclusively by men and they must be challenged by men. That they happened while the whole world did nothing should shame all men. We men have an important role to play alongside women campaigners in dealing with such impunity.

The third obstacle to overcome is the idea that nothing can really be achieved. I have lost count of the number of people who said to me over the last four years, "These are worthy objectives, but it is very hard

[LORD HAGUE OF RICHMOND]

to do anything about it, is it not? This is as old the hills. It has always happened in warfare". Is the world so hopeless that we can witness acts that destroy lives, families and communities on a vast scale and then shrug our shoulders and say "Nothing can be done"? In any case, it is not true that nothing can be done. On so many terrible, enormous issues in international affairs, international agreement has been established: on the treatment of prisoners of war, on not using chemical weapons—until the Syria conflict, of course—and on agreements about nuclear arsenals. The world is used to the idea of laws and agreements about what is acceptable in war, and of punishing as war crimes acts that go beyond those established limits. These crimes are war crimes and should be treated as such.

It also shows that we can make ground on this that we have made some small, limited progress. There are now prosecutions in Bosnia, and there have been at the International Criminal Court—although not enough. Military training has been changed in some countries. A large number of small actions can add up to major progress. At the summit that we held here in London in 2014, anyone who witnessed the outpouring of hope, passion, expertise and commitment on this issue from thousands of people, from NGOs and activists who have campaigned on this and worked with the survivors for so many years, knows that things can be done. We must make a success of this initiative and it is additionally related to part of a wider objective, which I always state as being the great strategic prize of the 21st century: the full political, social and economic empowerment of women to play an equal part in every society, Government, walk of life and peace process. It is impossible to achieve such an objective in a world where mass rape as a weapon of war goes unchallenged.

What is to be done next? The committee set out some important and clear recommendations. In the view of time and so many noble Lords wishing to speak, I will not go through all the recommendations I would like to draw attention to, but I will mention a couple. Particularly, there is recommendation 4, to recognise the value of this work to DfID, the Ministry of Defence, the Home Office and other departments. That requires support across government. I am very pleased that the Ministry of Defence—including the Defence Secretary, who recently led a major international conference at Lancaster House on the behaviour of peacekeepers—has become so committed to this. Recommendation 24 draws attention to the importance of,

"ending sexual violence against men and boys",

which is an important point. Recommendation 61 draws attention to the situation in Syria and calls for,

"a plan to respond to those who have suffered sexual violence during the conflict".

This should be part of our humanitarian response—it often is—and our political response to communicate to the world what ISIL really is and to show a clear alternative to it.

The report also calls for further summits on preventing sexual violence in conflict to be held at regular intervals. I would go a little further and say that if no other country is holding it, the United Kingdom should hold it again, so that people can come to that summit and ask what has been achieved and show what has been achieved, so that the momentum we built up in the 2014 summit is maintained. The tools are there, such as the protocol we devised, which is now being translated into many languages to make sure that it is possible to record and detect the evidence of crimes of sexual violence, and the commitments made by many Governments of the world. Now we have to make sure that they are used.

I will end with the main lesson that I learned from all this, which is that it is only when a major Government in the world put their full weight behind this subject that we make real progress in changing the attitudes of the rest of the world. It is only then that you get the resolutions at the Security Council and 155 nations signing up to a declaration. So I hope that the Foreign Secretary, as well as my noble friend, will make this one of his personal objectives for the future. I hope that the next President of the United States will do so, although that may require a particular outcome. I hope that we will all be able to maintain our emphatic support for this initiative and the splendid work the committee has done.

8.02 pm

Baroness Kinnock of Holyhead (Lab): My Lords, I thank the members of this extremely productive committee, and I express particular gratitude to the clerks and advisers, who provided a great deal of very welcome assistance with every aspect of our work.

Our committee's report is comprehensive and, I think, constructive. The positive response from specialist NGOs and other campaigners testifies to those qualities. However, I am sure I am not alone in believing that we still have a lot more to do. The huge extent and enduring atrocity of sexual violence against women in conflict is a humanitarian crisis of our times. It means that our committee report must be regarded as a spur to giving much greater emphasis to increased efforts to ensure that women can be guaranteed protection and justice.

Obviously, armed conflict of any kind is a terrible offence against women. The terror of bombardment and marauding troops, the desperate fear for their children, the destruction of homes, and the agonies of fleeing and plunging into the unknown—of becoming refugees—are combined cruelties. Those crimes against humanity are intensified by the monstrous injustice that typically women are non-combatants who pose no threat. They are innocents who neither cause nor continue warfare.

For instance, we know that in South Sudan, Syria and the Central African Republic, women are routinely experiencing specific and devastating sexual violence and transmitted infections. They are stigmatised and ostracised, and when rape results in pregnancy the social rejection, as I have frequently seen, is appalling and often lifelong. That is why the Geneva Conventions and international humanitarian law say that when rape is used as a weapon of war, women have an absolute right to safe, non-discriminatory care—crucially, that includes access to safe termination of pregnancy caused by rape.

Nothing could be clearer. But that right urgently needs strict and universal enforcement, particularly when authorities in so many countries have been pitifully unwilling to fulfil those obligations. Despite co-ordinated efforts since 2002 to combat sexual violence during armed conflict, rape and other forms of sexual violence persist and are used as a part of a military strategy. Recognising that, all providers of humanitarian services, including the United Kingdom, must register strong concern that abortion continues to be refused as an option for girls and women who have been raped in armed conflict because, we are told, termination is illegal in the country involved.

Surely, if it is to be credible, international humanitarian law must supersede domestic law. Will the Minister therefore give the House a clear policy statement on the abortion rights of victims of rape in war, including reference to the impact of US abortion restrictions on DfID-funded aid? In theory, as she will know, UK action and spending are not directly affected by the US's "no abortion" foreign aid restriction. In practice, however, because funds are not segregated, the ban is applied across the board. This means that women and girls suffer additional trauma because they have to carry to term pregnancies resulting from rape. Does the Minister agree that the specific and absolute legal and medical rights of women raped in war should be incorporated into DfID policies and observed as fully as the rights to medical treatment of other war victims?

As our committee evidence shows, women have a profound personal interest in building peace and reconciliation, and that is not properly used. As I have seen many times in several conflict-torn developing countries, women frequently have the wisdom and judgment to contribute convincingly to peacemaking, but they are still customarily ignored, marginalised and excluded from the international peace and security discourse. That is why we must work for women to be included in all peace processes and, following on from our Select Committee deliberations, we must continue to press for an end to the neglect of women's needs, concerns and opinions. The struggle for their rights has to include urgent investment in health systems, agriculture and, of course, girls' education. It also means that the groundwork for post-conflict equality and reconstruction has to include the full participation of women as a high priority.

Under the Rome Statute of the International Criminal Court,

"Rape, sexual slavery, enforced prostitution … or any other form of sexual violence of comparable gravity"

are recognised as both crimes against humanity and war crimes. In concluding, therefore, I put three questions to the Minister. First, since all forms of violence against women and girls clearly increase in conflict, how are efforts to prevent sexual violence in conflict being integrated into DfID's ongoing work to combat such violence? Secondly, our committee identified the absence of any mechanism for reporting on and collating prevention of sexual violence initiatives. Will Her Majesty's Government therefore fully integrate those initiatives into the forthcoming national action plan? Thirdly, the funding attached to preventing sexual violence in conflict is currently short-term but, obviously, combating that crime is a long-term task that we must undertake. Will the Government therefore commit themselves to long-term funding and support for the organisations that have impressive records of work in this area? Constructive responses to these questions will give positive proof that the Government are implementing good intentions by taking substantive actions. That, I am certain, is what the whole House is seeking.

8.09 pm

Baroness Young of Hornsey (CB): My Lords, coming together to focus on this difficult and complex task under the tireless leadership of the noble Baroness, Lady Nicholson of Winterbourne, and with the assistance of our excellent clerks and advisers, we somehow managed to maintain focus throughout the process of examining hundreds of pages of written evidence and personal submissions. Reading of and hearing directly the details recounted by those who had suffered violent sexual assaults during conflicts and their subsequent physical and psychological damage, such as those cited by the noble Baroness, Lady Nicholson, is absolutely shocking. Hearing how other people have experienced those things is a very uncomfortable process and very distressing. We owe all those who have suffered a commitment to spread knowledge about these appalling acts, especially on behalf of those unable to do so themselves, and to harry those with the power to effect change to do so swiftly.

The report made it clear that there is a critical and urgent need to address the current problem of extreme, brutalising sexual violence, which is explicitly a part of the ideological armoury of perpetrators in Iraq, Syria and elsewhere. Sadly, sexual violence, predominantly but not exclusively against women, takes place in too many countries for too much of the time to name them all in our report. Fragile states with weak governance structures and failing, corrupt and biased judiciaries where violence against girls and women goes unpunished—in some instances, as the noble Lord, Lord Hague, said, it is the female victims themselves who are punished—are precisely the places where conflict is most likely to arise. The casual disregard shown for females in some of those societies is exacerbated if sectarian, intertribal or civil or international war erupts. This practice of using sexual assault as a weapon of war is widespread; it is transcultural and transhistorical. I take some comfort from the remarks of the noble Lord, Lord Hague, who has been told many times that this kind of violence will always be with us in times of conflict. I am sure that I do not need to tell him that people said the same to Wilberforce, Sharp, Equiano and others about the struggle to end the transatlantic slave trade.

In their response to our report, the UK Government note that they have pursued or supported PSVI activity in a wide range of countries, including Colombia. Unfortunately, our schedule did not allow us the time to address in detail the impact of the long-standing conflict in that country, and I want to address my remarks to that area now. I thank Louise Winstanley, the programme and advocacy manager for ABColombia, for an up-to-date briefing on the situation there. As noble Lords will be aware, there have been some recent developments. The Colombian Government and FARC, the largest guerrilla group operating in that country,

[Baroness Young of Hornsey]
signed a peace accord on 26 September. As a result of his efforts to secure peace, Juan Manuel Santos, the Colombian President, was named last week as this year's Nobel Peace Prize winner. The war between various paramilitary factions and Governments has been going on for over 50 years. All sides have committed human rights violations including murder, torture, forced displacements, and of course sexual violence. The peace accord was put to a referendum on 2 October and rejected by a very narrow margin. In spite of this, both FARC and the Government made an immediate declaration that they would continue to uphold the bilateral ceasefire and try to find a way to move forward and achieve peace.

Colombia has seen conflict violence diminishing as the peace talks, which started in 2012, have progressed. In the case of human rights defenders, however, the violence has increased year on year. In March 2016, women defenders, who have been very active in the peace negotiations, were the victims in 49% of all attacks against human rights defenders in the country. Women activists have organised several delegations of women to Havana, as well as being consulted as experts, particularly but not solely on gender-based conflict violence. This is something we strongly support in the report, as the full and active representation of women in discussions and negotiations for peace is essential, as the noble Baroness, Lady Kinnock, said.

Another message from our report was that there should be no amnesties for conflict-related sexual violence. The Colombian women's delegation made this point and have achieved the objective of having it written into the agreement. The transitional justice chapter of the peace accord clearly states that conflict sexual violence crimes will not be subject to an amnesty. The creation of a special investigative team for cases of sexual violence in conflict in the investigation and prosecution unit of the special tribunal for peace is another major achievement. Women's human rights organisations and social movements have also been successful in reaching an agreement with the authorities to establish a separate historical truth commission, mandated to collect evidence of sexual violence against women and girls during the conflict.

In Colombia, neo-paramilitary groups continue to perpetrate sexual and other forms of violence against women. Unfortunately, the signing of the agreement does not signify the end of the brutality. As we heard from several witnesses during our inquiry, supporting those organisations that provide psychosocial, legal and support services to women suffering conflict sexual violence, wherever it takes place, has to be a priority.

Colombian women achieved a global milestone with the agreements reached in Havana, but with the referendum rejecting the peace accord, women's NGOs are concerned that these hard-won and important achievements for women, especially the pledge around no amnesties for conflict sexual violence, could be lost. There is that fear, so I hope that the Minister will be able to respond positively to some of the following questions. Will she agree to facilitate a meeting with President Santos, involving UK NGOs working on Colombia, human rights and conflict sexual violence, during his state visit in November? What will the UK Government do to ensure that women's NGOs are supported to continue to engage in peace dialogues? How might the UK Government encourage and support Colombian women's organisations to share their experiences of engagement in the peace process and how they achieved the agreements in the peace accord signed on 26 September? Sharing this learning nationally and internationally will be invaluable, even though the accords are currently being challenged.

On another subject, the idea that those who are sent to protect you in a crisis situation abuse and exploit your vulnerability is unthinkable, and yet there are numerous documented incidences of UN peacekeepers' participation in acts of sexual abuse and exploitation. Will the Minister undertake to take advantage of the recent appointment of Antonio Guterres as the new UN Secretary-General by drawing the committee's report to his attention and by pressing him to pursue prosecutions and to make accountability for sexual exploitation and abuse by UN peacekeepers a high priority?

Finally, I pay tribute to all the witnesses who came before the committee, either in person or via video links, or who spoke to small groups of us in private meetings or who wrote to us. Their generosity with their time and their sharing of very personal, harrowing experiences was a crucial contribution to the making of this report.

8.17 pm

Baroness Helic (Con): My Lords, I declare my interests as set out in the register. I, too, thank the chairman and the members of the committee for their thorough and excellent report. I welcome the acknowledgment of how much has been achieved since the preventing sexual violence initiative was started. It is now an integral part of the work of the Foreign and Commonwealth Office and the Ministry of Defence. It has secured the support of more than 150 countries. We have seen ground-breaking instruments adopted, such as the international protocol, and steps forward by countries such as Colombia, Bosnia, the DRC and Somalia. Where it used to be taboo, the subject is now openly discussed and addressed. I congratulate the Minister as well as the Vice-Chief of the Defence Staff for their unfaltering commitment to PSVI over the past 16 months. I hope that our new Prime Minister, who has shown such leadership against human trafficking, and our new Foreign Secretary will both give their determined backing to this policy.

Eradicating sexual violence in conflict is crucial to our objective of a more peaceful, stable and prosperous world. It is also central to our moral standing as a nation. What would it say about us as people if we were simply to turn away from this crime? I could talk about the huge trauma and damage from organised sexual violence in Bosnia, a country that is still to heal 25 years after the war, but there are more pressing situations today, including South Sudan, the Central African Republic, Iraq and Syria. Indeed, as the committee notes, there are at least 19 countries where sexual violence in conflict is being committed today, directly contributing to international instability—including, I would argue, to the global refugee crisis.

Like others in this House, I have met refugees, both women and men, who specifically fled from rape or the threat of rape. Last month, I met Iraqi refugees in Jordan who fell into the hands of Daesh. One of them was seven months pregnant when she was attacked repeatedly in the presence of her young son. Her sister suffered the same fate, along with countless other women. Rape is a silent weapon of choice for terrorising, humiliating, stigmatising and destroying individuals, families and communities. It has affected millions of people across the world in conflicts in our lifetimes. Our national interest and our moral responsibility will, I hope, keep us focused on the work needed to be done to address this scourge. This has to be a long-term objective, because we are only at the beginning. PSVI should not be an initiative for one Parliament, one party, one Government, or even one government department. It is the work of generations to change attitudes as well as laws and the conduct of militaries.

I know it is the Government's intention to build on the PSVI. I welcome the Minister's plans to focus on tackling stigma in the next stage of the initiative, and I admire the dedication, compassion and commitment she brings to her role. In that spirit, I would like to raise four issues arising from the committee's recommendations. First, a major reason this crime occurs with impunity during conflict is because it is often treated as a lesser crime after the conflict and is often swept under the carpet in forging peace agreements. Can the Minister assure the House that, as part of changing this trend once and for all, the Government will live up to their commitment not be party to any peace agreement that does not include accountability for crimes of sexual violence? Can she give that guarantee in relation to the Syria conflict?

Secondly, a barrier to prosecutions for rape everywhere in the world is the difficulty in obtaining and preserving evidence. I urge the Government to work with other countries and the United Nations significantly to expand the work of the PSVI team of experts in relation to Syria in particular. Can the Minister say more about what accountability mechanisms the UK will put forward to enable the prosecution of these crimes—not just those committed by Daesh but those committed by all parties involved in the conflict?

Thirdly, if the United Nations commitment to include women negotiators in peace processes is ever to become a reality, it has to begin now. Can the Minister reaffirm that it is the Government's policy to ensure the formal inclusion of women in all peace processes to which our country is party or that we support through our UN Security Council role? Can she give that assurance in relation to Syria? What practical steps will the Government take to ensure that women are included in a future peace settlement?

Finally, violence against women does not take place only in faraway countries. It occurs in our communities and neighbourhoods. It blights the lives of our neighbours and friends and sometimes of our colleagues. Countless women suffer at the hands of their partner each day. They live in shame. They do not speak. They are often blamed and isolated. Domestic violence thrives when we are silent. We need to tackle it with all means at our disposal.

I therefore find it discouraging that, four years after signing the Istanbul convention on preventing and combating violence against women and domestic violence, the UK has still not ratified it. I know that our country already complies with most of the provisions of the convention and I welcome that, but how can we exercise our international leadership in combating sexual violence abroad without ratifying the convention at home? Can the Minister give some indication of when she expects the ratification process to begin? I hope that together we can break through the bureaucratic barricades and finally conclude this process.

I conclude by paying tribute to the co-founders of PSVI, my noble friend Lord Hague and the UNHCR special envoy Angelina Jolie, for their vision and commitment. I also pay tribute to the men and women of the Foreign Office who combined diplomatic skills and moral conviction to pursue PSVI to such international effect. I hope that the Government will heed my noble friend's call for a follow-up PSVI summit, to build momentum and hold other countries to the commitments they have made.

As the committee notes, there is much more to do. Future progress is not guaranteed. But, having begun this work, there is no scenario where it could be in our national interest, or compatible with our global responsibilities, to turn away from the effort to eradicate rape as a weapon of war. I believe that this is the Government's intention, and I hope that they will have the wholehearted support of the House.

8.25 pm

The Lord Bishop of Derby: My Lords, I, too, served on the committee, and it was a great privilege to be part of it. I pay tribute to the expert chairmanship of the noble Baroness, Lady Nicholson. We were, to put it mildly, a diverse group, but she held us together, and we produced a report that will be significant as a foundation, as other noble Lords have said. I also offer my congratulations to the Minister, who leads by great example, as seen not just at the recent meeting at the UN in September but in all kinds of ways. She has been an encouragement and a force for the right direction within government, and I am very grateful for that contribution. I also pay tribute to the noble Lord, Lord Hague, for his PSV initiative. I had the privilege of being present at the summit in 2014, which has created a momentum that we need to learn from and develop. I will pick up the theme mentioned by the noble Lord, Lord Hague, of the significance of important Governments making a public stand. In doing that, I will also speak as a faith community leader.

There has been a great deal of high-level response since 2014, with resolutions at the UN and with our own Government taking a lead. But of course our report shows that on the ground the situation remains horrific. As the noble Baroness, Lady Kinnock, said, a deep culture perpetuates this crime, whatever kind of high-level political resolutions we pass. As just one perspective on the sheer complexity of the challenge beneath the level of resolutions, our own Black Rod gave evidence to the committee from his time in Bosnia. He explained very graphically that this crime happens in a context of sheer chaos. Very interestingly, recently it has been pointed out that in eastern Congo, a third

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of all attacks were carried out by non-military personnel—non-combatants. It is very often deep in the cultural context that this suddenly explodes when there is a space and chaos. That is what we have to grasp on the ground.

First, I will look at the significance of a major Government such as ours taking the lead that the noble Lord, Lord Hague, pointed to. The Government have a key role, but the Minister will perhaps be pleased to know that it is a limited role—we cannot land everything on the Government or expect them to solve this great issue alone. The Government have a role in two areas: first, in creating structures for debate and the right kind of practices and, secondly, in talking up and highlighting standards. I look to the Government for structures and standards.

Let us just think about structures. In our report, we say it would be sensible to have the structure of a five-year plan: let us get the ducks lined up so everybody can see what we are trying to do. I hope the Minister might comment on that proposal. There is the suggestion that the Government make an annual report just to show that the momentum is being maintained, that structures are fit for purpose, that criticism is listened to and that things that are going on can be developed. There is the suggestion in our report that there should be regular global consultations, and I was delighted to hear the noble Lord, Lord Hague, say that if other Governments will not do them we should do another one. We need to take a lead in the international scene in setting up structures where people are challenged to come and take this seriously and be seen to sign up to advancing it.

The last thing that we mentioned about structures, which other noble Lords have mentioned, is that we need to join up the efforts made, for example, by DfID and the MoD. We need to evaluate them and see how we can add value, efficiency and effectiveness by bringing our efforts together in a coherent way. So the Government have a key role in creating the structures to show their seriousness and what can be achieved—how to develop, learn and keep forward momentum. They also have a key role in setting standards. I recall meeting one survivor who had been abducted into the bush, repeatedly raped and kept as a sex slave. When the so-called peace came and everyone had gone back to their communities, she was living in a community where the people who had been raping her were regular members of the community too. That is a horrific situation, and of course in that kind of culture there is stigma attached to the woman as well.

On the kind of standards that the Government can pick up from our report, there needs to be some emphasis on rehabilitation and compensation—a really clear message that you cannot just pretend this did not happen. The report is also clear that we need to bring men and boys into the picture significantly, because too often they are ignored.

The Government need to develop standards regarding the collection and preservation of evidence. Currently that is woeful, which is why there are so few convictions. How can we as a nation learn, and help other nations to learn, about the collection and preservation of evidence? We need to use our good offices across the world—perhaps using the Foreign Office; I am not an expert on how government works—to help different jurisdictions to develop the right kind of legislation and training for judiciaries to be proactive in this field, not paralysed. Our Government, with others, need to use their efforts to ensure that the international system of justice is robust, strong and fit for purpose, which it is not yet; noble Lords will need to read the report to see why. I implore the Government to think about setting standards and creating structures.

Lastly, I want to come back to the recognition in the report of a subject that was raised at the London PSVI event in 2014: the importance of faith groups. I am not talking about this simply because I am a faith person. Actually, we are talking about the need for deep cultural engagement, under the banner of faith, in all kinds of places where women and girls are abused and, as the noble Baroness, Lady Kinnock, said, excluded; along with the terrorisation of men and boys in these situations, that is just accepted too easily. In all these contexts, faith groups need to be challenged to work on four areas. The first is values. Faith tries to give values to people, so if faiths are giving values that are allowing this to happen, that needs to change. Secondly, faith tries to deal with the trickiest issue, forgiveness. Faiths need to be challenged a lot more to look at what forgiveness is and how it works. We can learn a lot from Rwanda and South Africa about how faith groups can wrestle with the reality of the knotty problem of forgiveness. Thirdly, faiths all claim to do something that in our jargon we call "community cohesion". Clearly, though, that is not working in the case of the girl I met who went back to live in her community with the perpetrators. What does community cohesion really look like, and how should faiths be challenged to look at our title deeds, our teaching and our doctrines to put that right? Lastly, faiths set a tone about cultural norms. Whether on the treatment of women and girls or the treatment of LGBTI people, faiths set a kind of context for those values.

I hope that, besides my point about the importance of the Government showing leadership over structures and standards, a powerful Government like ours could perhaps take a lead to convene faith leaders into a space where such questions as values, forgiveness, community cohesion and cultural norms could be tackled. Sadly, the faiths do not seem to be stepping into that space on our own so we may need a challenge. The convening power of a Government such as the British Government is huge, as the noble Lord, Lord Hague, showed with the event in 2014. Mine is a small suggestion but one that I think could have an enormous impact beyond the realms of the technicalities of government.

8.34 pm

Baroness Hodgson of Abinger (Con): My Lords, I declare my interests as set out in the register. I, too, was a member of the Select Committee—the first I have served on in the House—and it was a privilege to serve under the chairmanship of my noble friend Lady Nicholson. As the right reverend Prelate said, we began as a group with some fairly disparate views, and it is a tribute to her chairmanship that we managed to

come to agreement in the report. I also thank my fellow members. We heard a huge body of evidence from many people, so I also thank the clerks, who did such excellent work reading, digesting and synthesising the enormous volume of evidence submitted to the committee. I also thank Professor Christine Chinkin for all her wise advice to us.

The field trip to the DRC that I undertook with my noble friend Lady Nicholson and the noble Baroness, Lady Kinnock, during which, in Goma, we met some of the survivors of brutal sexual assaults, brought home to us with stark clarity why this is such an important issue. I pay enormous tribute to my noble friend Lord Hague for launching the initiative on preventing sexual violence in conflict with UNHCR Special Representative Angelina Jolie. It was politically very courageous as, although UN Resolutions 1820 and 1888 had raised the subject previously, they had made little global impact. As my noble friend said, many people said that it was just too difficult to address, but the initiative, through getting buy-in at the G8 and through the UN General Assembly declaration, which I believe 155 countries signed up to, made the world acknowledge that this is a terrible war crime and that those who perpetrate it should be punished.

I also recognise the enormous contribution that my noble friend Lady Helic has made, and the Minister for leading the work in her capacity as the Prime Minister's special representative for preventing sexual violence in conflict. I also acknowledge the outstanding work of the team at the Foreign Office under the lead first of Emma Hopkins and latterly of Tom Woodroffe. All of us who attended the global summit in London in 2014 on preventing sexual violence in conflict will remember it as an unforgettable event.

Besides the Foreign Office, other departments have played their part, too, particularly DfID and the MoD, and I congratulate General Messenger on the remarkable leadership that he has shown on the women, peace and security agenda. It was so heartening to attend the session on women, peace and security at the UN peacekeeping ministerial in London last month, where the case was laid out so clearly. I hope that the MoD will encourage the military in other countries to have a champion like General Messenger. I also commend the outstanding work of Major Grimes in the DRC, which showed the benefit of the military engaging with local populations. It is often the military who first come across survivors of sexual violence and who need to protect the local population. The UK is now including PSVI in some of its training for the military overseas.

As we have already heard, levels of sexual violence have been rising to epidemic proportions in conflict today, destroying people, families and communities—not only physically maiming and killing but creating psychological damage that can trickle down the generations. The devastating effects of sexual violence in conflict are long-lasting and permeate societies even after the actual fighting has stopped.

I was horrified when I visited Liberia a few years ago to discover many 12 year-old girls there were raped and that the elders in society did not really view this as a crime. Even some of the girls at the university told me that they were asked to exchange sex for grades. Because there is such stigma about sexual violence, it often goes unreported, and I suspect that the level of sexual violence affecting men is very hidden. I recall a visit some years ago to a young man in Rwanda. He was a victim of sexual violence, had contracted HIV and lived in abject poverty on the edge of a village, shunned by the community. It was heart-breaking. The present focus on stigma is important and will help to shift the shame from the survivors of the perpetrators.

However, although much progress on PSVI has been made, this initiative is still work in progress. It is a marathon, not a sprint. Change will come about only through sustained, long-term work: we need to keep going.

I will pick a few areas where I think attention is particularly needed. Current conflict, as we have already heard, disproportionately affects women. Security needs to be tailored to the most vulnerable. The impact of conflict on women was recognised 16 years ago with the adoption of UN Resolution 1325, with its four pillars of protection, prevention, participation and relief and recovery. Yet women in war-torn countries remain mostly ignored, despite research showing that where women are included the likelihood of achieving peace is much higher. One only has to look at the Syrian peace process where, in spite of women demanding to be included, they are sidelined. Until women are allowed around the table as equals it will be impossible to achieve peace and security for all.

Secondly, since 2006, under UN Resolution 1325 the UK has had a national action plan on women, peace and security in which it outlines its commitments. PSVI remains a major part of the UK's women, peace and security commitments. Commitments made as part of PSVI should sit within the UK NAP on women, peace and security. The new NAP will be developed over the coming year and I very much hope that the plans for PSVI for the coming three to five years will be comprehensively outlined in it, along with the Government's other women, peace and security commitments. This will support PSVI in becoming a sustainable long-term programme of work.

Thirdly, in some countries there is a taboo about women talking to men outside their families, which makes it impossible for male soldiers to communicate directly with them. Yet speaking to women in communities is vital if they are to be protected properly. Thus, any peacekeeping force must contain women, and to achieve this the UN must have concrete targets on including women in peacekeeping operations and must create a formal mechanism that ensures female peacekeepers are deployed to engage with local communities. The UK holds the lead on women, peace and security at the UN, so I very much hope that it will do all it can to influence this.

The PSVI is a shining example of where Britain is giving inspiring leadership in the world, and I am of course delighted with the Government's response that they are keeping the initiative at the top of the internal political agenda. Recent reports of mounting atrocities in South Sudan and of UN peacekeepers standing by while government and non-government troops rape and kill illustrates all too clearly that there is still much

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work to do to ensure that—hopefully in the not too distant future—sexual violence in conflict will become as unacceptable as slavery, torture and genocide are today.

8.42 pm

Baroness Goudie (Lab): My Lords, I declare my interest as in the *Register of Lords' Interests*. As it is late, I shall take just one or two parts of the committee's report, as my colleagues who have spoken before me quite rightly mentioned them.

First, I thank the House for having agreed to have a Select Committee into sexual violence in conflict. Although the issues and what we listened to from witnesses and saw in videos and other means were difficult, I enjoyed being on the committee with all my colleagues and clerks, and the great advice we received from Professor Chinkin and her colleagues at the LSE.

I want to talk about the Institute for Women, Peace and Security at Georgetown and the Centre for Women, Peace and Security at the LSE. The reason why those two institutions are so important, along with the work and the report of the committee, is that it is right to have women at every peace table on these issues. At present, we are told that no women are trained and that they cannot find local women. We can always find them. At Georgetown and the LSE women come to speak to tell us and the students who are learning to be peacekeepers what it is like. The women are there. We in this Chamber could give lists of them.

I have one big ask for the Minister—I know she has been asked for a number of things from others, whom I agree with—that the Government will not agree to any peacekeeping talks without local women and other women being at the peace table. We know in Angola and other places that the first thing peacekeepers did was forgave the men, and there were no proper dealings on the peace. What happens? The peace is broken. Statistics show that when the women are at the peace table, as in Northern Ireland or Chile, peace has been kept and things have continued.

Why do we need women at the peace table? First, it is about the long-term medical support for men, women and children. Then it is about education—and not just basic education. To keep peace, we have to have higher education. Part of the peacekeeping has to reach outside higher education, if it is not possible to have universities opened. If we do not educate boys and girls we will have a period of terrorism because of greed and because people do not know what to do. Also it is about rebuilding communities. We have to get investment from outside as we were able to do with the Good Friday peace agreement, which I hope will be able to be continued, and with other peacekeeping agreements. That is why women ask for this. Women do not wish their boys and girls to be terrorists any longer—and that is what happens. If we do not have proper peacekeeping arrangements around the table, in writing, we are not going to get the peace. At the moment, we have more displaced people than at any other time in the world, and there are more so-called peace agreements being made—but they are not really being made. I am not attacking anybody, but I refer to the whole question of Syria. It is just disgraceful that we cannot bring the two sides together. We know that if the right people were there, that could happen. It is important that we have women at the peace table.

I hope that we can get an undertaking tonight from the Minister, who gave an undertaking in her evidence, that the Government will not participate in and will challenge any peace-table arrangements that do not have women. As we saw happen around Bosnia—and we had evidence—the peacekeeping and the peace table was done too quickly. There was not enough time to live with those who have to live with what is made up. People are people, and they have to live with whatever agreements are made about them, which is why we have to have women there—both from outside and local women. It is important.

The whole question of mass rape applies not only to women but to boys and men. I hope very much that DfID will continue with its investment over the next X years to look at why this happens and what it does to men and boys. We heard evidence that it is bad enough for us as women, but for men and boys it has a terrible effect. I hope that the money in DfID that has been pledged will continue to be there, and we have to watch that that happens, and that the DfID programmes, working with the Ministry of Defence, continue and are joined up with the Foreign Office. Can the Minister tell us tonight that they will continue? We have been reading and hearing from civil servants that there could be major changes with the DfID budget, and we do not want to lose that budget. The work that we are asking them to do can be measured—we know that nothing is without measurement—but time has to be given for measurements. Can the Minister speak to those departments, to help them to understand that this is vital to world peace, that we are the leaders in this field and that the Government will continue with this? If not, it will be very difficult. We have buy-in across the political divide on this issue, which is why we can continue with this work. We have to be the world leader. We have started to be the world leader. The Minister is now leading this on our behalf. We have to take other countries with us. I hope that Australia might come forward. Canada is another country that could. It is really important that we bring other countries to the table besides the United States.

8.48 pm

Baroness Tonge (Ind LD): My Lords, I, too, congratulate the chairman and the members of the committee on the breadth of this report. I also congratulate the Government, who have responded to the problem in such a positive way, especially since the conference called by the noble Lord, Lord Hague, that was attended by Angelina Jolie two years ago. What was remarkable about that conference was that the general public were allowed in—and it was mobbed. I have never experienced anything like it; to see great queues snaking along, waiting to go into a booth where a junior Minister was talking about something was quite unprecedented. It made me think that we ought to have something like that every year, to get the public in and involved in these issues. It was tremendous and I congratulate the noble Lord.

On a personal note, I was disappointed not to be a member of this committee. After 30 years working in

the National Health Service as a doctor in sexual and reproductive health; as a parliamentarian working in international development for 20 years now; and as chair of the All-Party Group on Population, Development and Reproductive Health for many years I was, to put it mildly, a bit miffed. I was told by the then Chairman of Committees, Lord Sewel, that this was because I do not belong to a formal political group in this House. So there is the reason: rules is rules and one must obey. However, I am delighted to have this opportunity to make a few points of my own.

The committee's report mentioned that it was looking forward to the World Humanitarian Summit in Istanbul last May. I attended that conference and noted that the commitments to action at the end stated that we must: prevent and end conflict; uphold norms that safeguard humanity; leave no one behind; change people's lives; manage risks and crises differently; invest in humanity and in particular women and girls. They got there in the end. Investing in women and girls is so important, even though it was last on the list.

From the same conference we learned that, of the 125 million people in need of humanitarian assistance worldwide, over 75% are women and children. Globally, 35% of women have suffered from gender-based violence and this increases significantly during conflict. In my experience, it is difficult to collect figures. Whatever the policy and legal framework discussed in chapter 2 of the report, we ultimately rely on women reporting the violence in the first place and many are reluctant to do this, for cultural and family reasons. However, there is no doubt. I have listened in confidence to women in many places, including Rwanda, South Sudan, Colombia, Kosovo and the Middle East and heard of the horrific crimes committed, which the chairman told the House about. It is the prevention of these crimes and dealing with the consequences, as dealt with in chapter 3, which I want to dwell upon.

Rape in conflict situations is a first step in genocide—impregnate the enemy's women with your seed and that will dilute the enemy's genes. Way back in 1998-99, when I was first in the Commons, Tess Kingham, MP for Gloucester, and I argued this and were ridiculed. At that time it was thought a bit of a joke and we were going too far. Rape is not always straightforward sexual intercourse either. As we have heard from the chairman, rifle butts and broken bottles can be deployed and cause the most terrible injuries. The question of how soldiers, when ordered to rape captive women, actually manage to do it to order has always slightly puzzled me. I have heard claims from NGOs and other people who have worked in this field that soldiers in some groups are forced to take mood-enhancing drugs and also, more recently, Viagra, before going on to systematic rape of captive women. I would have hoped that the committee could have looked into this too. Maybe we can in the future, because it must surely be against some rule of war or other for this to be allowed.

As has been mentioned, refugee camps are terrifying places for women, often because toilet facilities are poor or shared, making women vulnerable to attack on their way there and back. In the camps in Jordan which I visited, I heard of child marriage getting younger and younger, often to total strangers, in the girls families' efforts to protect their daughters from rape in the camps. Too early marriage also causes its own horrific injuries, so it is to be deplored. Women and girls are in desperate need of healthcare as a result of all these horrors. I was a little disappointed that the recommendations in chapter 4 of the report did not emphasise this more as it is a passion of mine.

Treatment for infections and injury, of course, combined with immediate access to post-coital contraception and abortion are of paramount importance. Paragraph 57 in the recommendations in chapter 5 is to be commended for its support for abortion after rape in conflict, which is a recognised human right. The noble Baroness, Lady Kinnock, went into that in great detail. I thank her for that. The committee also recognised that the Helms amendment by the United States Administration is contrary to international human rights law. This causes great confusion in the field because some NGOs are not allowed to provide abortion to victims because of the USA rulings. As the noble Baroness, Lady Kinnock, said, funds are often pooled to provide this service, and therefore the service is prevented in some peculiar way because of the USA contribution. We really must look at this. Will the Minister please tell us what steps the Government are taking with the United States Administration to get them to remove this obstruction to simple humanity? Perhaps after the presidential elections things may change, as I think the noble Lord, Lord Hague, mentioned—we must keep our fingers crossed.

I commend the report for its recommendations on stigma attached to these crimes, in paragraph 63 onwards, not forgetting men and boys but also not forgetting the LGBTI groups in this, who have not been mentioned before. People with disabilities and those from different ethnic groups are also mentioned. There needs to be massive education of boys and girls in many communities. I suppose that education generally is ultimately the answer.

Recommendation 73 points out that the United Nations does not have responsibility for internally displaced people, of whom there are many at the moment, particularly in the Middle East. I ask the Minister when our Government will approach the United Nations on this problem.

Finally, and most importantly for me, I ask the Minister to confirm that funding for women and girls will continue as it is now, including for NGOs such as the International Planned Parenthood Federation, Marie Stopes International and the United Nations Population Fund—funding which was so welcome at the family planning summit in 2014. I am afraid that the new Secretary of State has been making rather worrying noises about changing the method, and even the amount, of funding in this area. That, for me, is very worrying indeed, as it is for all of us working in this field. NGOs like these provide vital services for women who have been violated in conflict situations. The need for sexual and reproductive health services is increasing all the time worldwide. They have been shown to provide such benefits to women and the economies of the countries where they live. Therefore, it would be a tragedy if this brilliant initiative taken originally by the coalition Government were weakened in any way.

8.58 pm

Lord Black of Brentwood (Con): My Lords, it was a great honour to serve on the Select Committee, whose task was to shine a light on an issue of huge global importance, but which was for far too long almost a secret swept under the carpet until the PSVI changed all that. I join others in paying tribute to the leadership of my noble friend Lady Nicholson, who, as we have heard, guided the committee through a vast array of information, sources, witnesses and locations with huge dexterity and skill. We owe her a great deal for that, as indeed we do to the indefatigable secretariat which serviced the committee with energy, dedication and attention to detail. This is an enormous subject, and a very difficult one, and between them, the chair, the advisers and the officials helped to bring order to it and make it accessible. I believe that our report, and the testimony of the excellent witnesses we heard from, will prove a powerful contribution to debate not just here but, I hope, across the globe. I draw attention to my interests in the subject listed in the annex to the report and declare them accordingly.

The major issue I would like to highlight from the report is the spotlight it shines on sexual violence against men and boys—for although the clear majority of sexual violence in conflict is perpetrated against women and girls, these crimes are indiscriminate and men and boys are greatly affected too, as a number of noble Lords have pointed out. Indeed, sexual violence against men and boys has been recorded in 25 armed conflicts over the last decade. We know that the problem is significant and pervasive, but little comprehensive data exist. Indeed, our report makes clear the importance of finding out much more about the numbers of men and boys affected by these crimes. In many ways they have been the forgotten victims of this heinous crime, and we need to change that.

One of the key objectives of PSVI since its launch, as my noble friend Lord Hague made clear, has been to raise awareness of men and boys as victims as well as perpetrators. That has been a ground-breaking initiative which I strongly applaud. However, the evidence we heard shows that there is more to be done, and although DfID, as the report makes clear, has done admirable work to combat violence against women and girls, ending sexual violence against men and boys must be a priority too. We noted, for instance, that it was regrettable that DfID did not do more to raise the status of this issue in its approach to the World Humanitarian Summit in Istanbul in May.

This is particularly important because of the stark and appalling legal situation in which men and boys who are victims of sexual violence find themselves. We heard striking evidence from Dr Chris Dolan, director of the Refugee Law Project in Uganda, about how they face huge barriers to accessing support and justice. Around 70 countries do not recognise male victims, meaning that 90% of men in conflict-affected countries are in situations where the law provides them with absolutely no protection if they become victims of sexual violence. Of those countries affected, 67 actually criminalise men who report abuse against themselves. Apart from the terrible stigma this creates, on which I will say a few words in a moment, it makes provision of healthcare, social support, economic support and access to justice almost impossible.

What can be done? To begin with, men and boys should be covered far more comprehensively in the Government's research activities, not least because the true scale of such crimes is masked by the legal barriers I spoke of just now. We need much more data to assess the scale of the problem so that measures can be taken effectively to tackle it, particularly so that much more can be done to hold perpetrators accountable and end impunity for sexual violence. Long-term, sustainable research is vital in this area.

Another area where we need a more proactive approach is in access to justice, which is perhaps the most important requirement for the recovery of the victims of these terrible crimes. Sexual violence fractures lives and families. The journey to recovery is a complex one, and as our report makes clear, it,

"depends greatly on the individual victim and survivor's situation and needs".

Access to justice will always be the most central part of that. Yet for men and boys, getting justice—and seeing that justice is done—is well-nigh impossible when they incriminate themselves by reporting a crime.

The same is true of access to vital health services. As male victims of sexual violence are in most places omitted from the mainstream narrative on wartime sexual violence, policy responses—and indeed information for victims—consistently fail adequately to address, or most often ignore entirely, the specific needs of male survivors. We heard from leading psychologist Dr Michael Korzinski about a study of 4,000 NGOs across the world that deal with wartime sexual violence, which found that only 3% mentioned men and boys in their information materials. Much more could be done to make sure that these NGOs highlight male victims in their literature and publicity material, with advice specifically tailored to their needs.

Another area where progress can be made is with the team of experts, which is a key mechanism for our efforts on capacity building for national judicial systems. Although its membership is small in number, the work of the ToE is of real importance. However, at the moment it is clear—as we heard in evidence from War Child UK—that members have not received any child safeguarding or protection training, including responding to sexual violence against men and boys. We recommended that such training should be mandatory. In their response to us, the Government said that expertise on men and boys exists within the ToE, but I think that we need to look closely at how that expertise is used and whether it is sufficient, particularly in view of the scale of some of the problems that we have identified.

One of the overriding problems in dealing with sexual violence against men and boys—as with all victims, as we have heard—is stigma. We heard a great deal of distressing evidence on this issue and our report has much to say about it. It is not a matter with which the UK alone can deal but we can show the way. For instance, much more can be done if we seek proactively to help organisations and associations which undertake outreach mechanisms and which, in the words of the Refugee Law Project,

"sensitise communities regarding the existence of male survivors".

Finally, I want to highlight the particular problems of lesbian, gay, bisexual and transgender communities—highlighted by the noble Baroness, Lady Tonge—in dealing with sexual violence in conflict. LGBT people are, tragically, particularly vulnerable to these hateful crimes. We heard, for instance, from Professor Lisa Davis how "epidemic levels" of sexual violence and murder had been committed against LGBT persons in the Daesh conflict, while Human Rights Watch highlighted these serious threats in Iraq and Syria. These victims face, in effect, a double stigma: being victims and being members of the LGBT community. This is of course compounded by the fact that, in many countries which have been the scenes of conflict and violence, homosexuality is criminalised. These include places such as Angola, Somalia, Liberia, Eritrea, Sri Lanka, South Sudan and Afghanistan, among many others—shamefully, far too many of them in our own back yard of the Commonwealth.

Therefore, for obvious reasons, we have huge gaps in our knowledge of the impact of sexual violence in conflict on LGBT communities. More needs to be done to identify the specific needs of these communities and the best way to address them. We were not able to look into criminalisation but it is a vital aspect of the problems faced by many minority communities. The Government have, to their real credit, done a huge amount in recent years to bring pressure to bear on the countries that criminalise to bring an end to this horror, and the Minister has been at the forefront of those initiatives. I pay a huge tribute to her and to my noble friend Lady Verma for all the work they are doing. Will my noble friend reiterate the Government's determination to continue that vital work, particularly in the Commonwealth, where criminalisation flouts the terms of the Commonwealth charter, as well as international human rights laws, not least, in this context, because of the impact on so many deeply vulnerable victims of sexual violence?

That is a long-term goal, and indeed a lot of what we covered in our report is also for the long term. However, I emphasise that we should remember that, for many, the long term is too late. As my noble friend Lady Nicholson said, although a great deal of what we were able to look at related to historic crimes—dating back, for instance, to Bosnia-Herzegovina—the horror of sexual violence in conflict is with us right now. These crimes are being perpetrated, even as we debate this evening, in Iraq and Syria, and there is a need for immediate action to alleviate suffering, as well as a long-term strategy for tackling this horror.

This report, I believe, provides ideas and proposals in a wide range of areas which will help us meet those ambitions, and I am very pleased that the Government have been able to welcome much of it. I know that I and all my colleagues on the committee will look forward to working with my noble friend to do what we can to bring this hateful war crime to an end, to gain justice for those who have been affected, and to bring help and support to those still suffering in the midst of horror.

9.08 pm

Baroness Coussins (CB): My Lords, I was not a member of this Select Committee but I should like to thank all noble Lords who were for such a comprehensive report on an extremely important subject. I was particularly pleased to see that the report included references to Colombia, as I have a particular interest in that part of the world. It is often overlooked, although it has to be said that in the last couple of weeks we have seen a probably unprecedented amount of media coverage of Colombia following the rejection of the peace deal by less than 1% in the referendum there. We are also shortly to receive the Nobel Peace Prize-wining President Santos on a state visit to the UK, so my remarks this evening will focus just on Colombia. I endorse the points made by my noble friend Lady Young of Hornsey and will expand on some of them.

In Colombia, sexual violence has been a hidden, widespread and systematic practice perpetrated by all armed actors in the internal conflict—the guerrilla groups, paramilitary units and the state security forces. Of the cases documented, the worst offenders of conflict sexual violence are the paramilitary groups, followed by the security forces and then the guerrilla groups. FARC policies of forced contraception and forced abortion for their rank-and-file troops were a normalised form of violence. They also forcibly recruited girls as combatants in order to render sexual services and as a payment to protect other members of their family.

The impact of the state security forces' involvement in sexual violence has had a particularly devastating effect as they are, of course, responsible for protecting the civilian population. When sexual violence is committed by the security forces, civilians are left with no authority to whom they can turn for justice.

As we know, and as my noble friend Lady Young has also mentioned, the Colombian Government have been involved for the past four years in peace talks with the largest of Colombia's guerrilla groups, the FARC. Colombian women's organisations and victims' organisations went to Havana to discuss the issue. Women human rights defenders also went and spoke directly to the negotiators on various occasions to ensure that they understood that women would not accept amnesty for conflict-related sexual violence. This was accepted by the parties and the final agreement excluded conflict-related sexual violence from any amnesty.

As a result, the Colombian Government appointed a special unit in the public prosecutor's office to investigate the crimes of conflict-related sexual violence. This was a major step forward, but serious concerns are already being expressed by civil society organisations such as ABColombia, to whom I express my sincere thanks for all the background briefing and up-to-the-minute reports it has been sending me. The concern is that the investigators in this unit are focusing only on crimes committed by the FARC, and while this is a positive step in the right direction, there is also a pressing need to ensure that sexual violence by the security forces is also prioritised and scrutinised.

I ask the Minister what discussions Her Majesty's Government have had with the Colombians about progress on investigating conflict-related sexual violence specifically carried out by the security forces. The building of civil society's trust in the security forces is clearly essential after any internal conflict, and to

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leave these crimes in impunity would leave many Colombian women without truth, without justice and without reparation, and would certainly weaken the process of peace-building in Colombia, which is still continuing despite the setback of the referendum.

The progress achieved in the peace agreement on this particular issue was impressive. Following a good deal of pressure, the state, in November 2013, finally appointed two women negotiators. It also established a gender sub-commission which reviewed all aspects of the agreements to ensure that they all contained a gender perspective. The gender sub-commission was made up of women from both sides of the negotiating table, with expert advice from women's civil society organisations. The core aspect of the agreement was to exclude conflict sexual violence crimes from amnesties. As we know, the peace accord signed in September was then sadly and extremely narrowly rejected in the 2 October referendum. But talks continue and women's organisations are extremely concerned to ensure that their achievements are not dismantled and that conflict sexual violence is not amnestied in any potential reformulation of the peace agreement.

This is a crucial issue for Colombian women and I ask the Minister to ensure that the British embassy in Bogota supports women's NGOs in their efforts to ensure that this aspect of the agreement is not weakened. President Santos will be in the UK at the beginning of November on his state visit and I urge the Government to ensure that he meets with NGOs working on human rights in Colombia, and particularly those NGOs working on the issue of conflict sexual violence. I look forward to hearing the Minister's assurance on this point.

9.14 pm

Lord Bates (Con): My Lords, like many Members who have spoken, I attended the global summit in 2014, convened by my noble friend Lord Hague. I attended a seminar hosted by the charity War Child. There our host, who led the proceedings, was a very impressive, well-spoken, British young lady. She began by sharing the fact she was born on Christmas Day 1992. I could see that people were flicking through the pages of the agenda and checking their emails. I confess I was one of them. She continued, "That was in Sarajevo in Bosnia during the war. My mother had been subjected to repeated sexual violence in a concentration camp. I was the result of this".

She later went on to explain how her mother said she could not bear to hold her when she cried. "She wanted to strangle me," she told others later, "so much was the trauma that lived on so long after the violence had passed". She then explained how she had been adopted by a wonderful couple of British journalists who raised and educated her here in the UK.

As she sat down there was stunned silence. I remember thinking why that was. We had heard that all these things had happened; we had seen the videos and read the reports. That was why we were there: because we wanted to do something about it. Perhaps it was that we felt not just sympathy, but empathy with her, because this was someone who could have been our daughter, our sister, our granddaughter. It seemed to personalise the crime in a way we had not anticipated, but it also showed how sexual violence in war is a different category of crime that reached into future generations to destroy lives.

Moreover, where some victims of conflict—especially those involved in military organisations—may be regarded as heroes when they are injured, with sexual violence there is an insidious stigma and shame that perversely and bewilderingly falls on the victims rather than the perpetrators, as so many have said. Surely the first step to changing behaviour is therefore to ensure the perpetrators are labelled with cowardice and shame for such acts, and that victims and survivors are given the support they need to rebuild their broken lives.

This is why it is so important that this report has been prepared. I pay tribute to my noble friend Lady Nicholson, to all members of the committee for the thorough work they have done, and to my noble friend Lord Hague for courageously bringing this out of the shadows and shining a light on it to the international community. I also recognise the immense and ongoing work in this area by my noble friend the Minister, who is the Prime Minister's special representative on preventing sexual violence.

I have just three comments or questions that I hope may add in some way to an outstanding report and to the encouraging response from the Government that we are debating this evening. First, it is very clear from the moving testimony of survivors in chapter 8 of the report the importance they attached to being able to talk openly about their feelings on what had happened to them and to overcoming the misplaced stigma, shame and so-called victim-blaming that often accompanies these crimes. The Department for International Development has done some important work on this, yet paragraph 82 of the Government's response suggests that such services should be provided on a voluntary basis and only through informed consent. That raises a question as to how people were able to receive information to allow them to make an informed statement about consent and access to such services. I wonder whether my noble friend the Minister could say something on that, not in the winding-up speech, but perhaps in a letter following the debate.

Secondly, there is a need for justice to be done and to be seen to be done. The recent prosecution of the Congolese MLC leader Jean-Pierre Bemba Gombo at the International Criminal Court in March was a major step forward. Interestingly, the committee focused on one particular country—Iraq—to ask the Government to urge it to accede to the Rome statute, which the Government say they will do. But why stop there? What about the three permanent members of the UN Security Council—Russia, China and the United States—which have yet to ratify the Rome statute? What about other major influential states such as Turkey, India and Saudi Arabia? Should not pressure be placed on them, too? The best hope for reducing the level of violence is to have international systems of agreed laws with agreed justice systems to uphold them. It is deeply disappointing that countries are prepared to sign up to UN Security Council Resolutions 1325, 1820, 1888, 2242 and 2272 condemning sexual violence

in conflict and then to withhold support from the very institution charged by the UN with investigating and upholding them.

The report sets out for the Government the clear and bold long-term aim of ridding the world of the scourge of sexual violence in conflict, yet surely the best way to stop war crimes is to stop war, under whose dark cover such acts are carried out: to end the scourge of sexual violence in conflict by ending the scourge of violence in conflict itself. Instead of spending our time picking up the pieces of broken lives, we can do more to help keep them intact. The preamble to the Charter of the United Nations, presented to its first General Assembly across the road from us in Methodist Central Hall, sets out the determination,

"to save succeeding generations from the scourge of war … and … to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women … and … to establish conditions under which justice and respect for the obligations … can be maintained".

As the noble Lord, Lord Hague, said, we have all the words and the protocols—we even have the institutions—but the question is: do we have the will?

9.21 pm

Baroness Verma (Con): My Lords, I am extremely grateful to your Lordships' House for allowing me to make a short contribution. I failed miserably to put my name down in time for this important debate, so I shall put just two or three succinct points to my noble friend the Minister. However, I want to start by thanking the committee, so ably chaired by the noble Baroness, Lady Nicholson, for its work in gathering at times harrowing evidence and witness statements for your Lordships' House. More importantly still, the report highlights the work that needs to be done.

I want also to put on record my gratitude to the Minister, who has demonstrated her personal commitment, as well as that of the Government, to ensuring that this crucial area is seen not as an "add-on", as my noble friend Lord Hague put it, but as a cross-government initiative to make sure that all departments understand and sign up to the need to tackle this scourge of impunity, as my noble friend Lady Helic said, on behalf of innocent victims. When I was a Minister at the Department for International Development, I spoke to many victims. I can say categorically that peace will come only when we put victims—those people who understand what is needed—at the heart of decision-making.

I want to ask the Minister two questions. First, how are the Government monitoring the safety and security of women and girls, boys and men, in camps that we are helping to support through government funding? It is fine to have canvas tents and food, but for the security of those using washrooms and accessing services is there adequate lighting and proper vetting? Are these things in place to protect people in such camps? In many camps, those people who are supposed to be protecting are actually the perpetrators of these heinous crimes.

Secondly, and as rightly raised by the noble Baroness, Lady Tonge, will the Minister reassure us that there will be no reduction in support for programmes which help women and girls in conflict areas access proper legal, medical and psychological support? Can she assure the House that this support will not be sacrificed, with the focus shifted away from humanitarian and development aid, in the context that it has been under the last Government and currently this one before recent changes, or will it suddenly be tied up with just aid for trade? If we are going to make economies stronger, I ask my noble friend the Minister to make sure that they are not sacrificed because of victims who have no voices in these conflicts.

9.25 pm

Baroness Hamwee (LD): My Lords, as another non-member of the committee, I congratulate it on the report. I congratulate all those who have advanced and are advancing work on this issue such as, of course, the Minister and her predecessors concerned in government with it. I knew the word "tireless" would be used. That is perhaps appropriate but actually, if you analyse it, it is a very odd word because I am sure that the people who do this work must get very tired.

I need to declare an interest. One of the committee's witnesses, already mentioned by the noble Lord, Lord Black, was Dr Michael Korzinski, a psychologist and psycho-social expert who has been deployed twice to Bosnia as part of a team of experts. He is also co-author of a training module for judges, prosecutors and others on wartime sexual violence, developed with the support of the UK Government. As a friend, I have been aware of his work and talked to his colleagues about it as well. This has of course informed my thinking.

I want to say a word about the PSVI teams of experts. Multidisciplinary teamwork is a productive way of working in most fields and it is often productive to transfer knowledge between fields. Perhaps marginal to this debate but not to the big picture, I wonder how much learning, particularly with regard to support for survivors and witnesses, has been made available within this country to those engaged in work on sexual abuse, including and perhaps particularly trafficking, and vice versa. It is essential in both situations to understand why, for instance, a victim did not struggle or how his or her memory and recall are affected by trauma. That is relevant to how evidence may be gathered and to how a witness presents in court. As all those involved in the criminal justice system need to understand, what a witness says in response to a question may not be what a witness thinks. Indeed, the witness may not know what he or she thinks.

Noble Lords will know how important it is to capture the experience of those who work on the front line. I welcome the Government's agreement to explore how to strengthen mechanisms for feedback from teams of expert members and to apply this to policy-making and disseminate it. There is a lot of scope for this and I urge the Government to pursue it. It is probably the cheapest and easiest recommendation in the whole report. I also welcome the Government's encouragement of our embassies and high commissions,

"to think more ambitiously and creatively about how they may use the ToE's expertise".

The very nature of trauma requires an integrated approach. I understand from a lawyer recently a member of such a team that the teams currently generally

[Baroness Hamwee]
comprise lawyers and gender experts but no trauma experts. An integrated approach and a sustained commitment to those concerns is required. The whole system needs to be attuned to it. I include in this not just victims. I already mentioned the range of people involved in criminal justice systems. They come from the same communities so it is more than a matter of the women or men who are victims knowing their own perpetrators—something to which the right reverend Prelate alluded. Witness support officers need to understand the impact on victims, and their own reactions; so do those working in the so often underresourced but pivotal local organisations. Relentless exposure to the horrors takes its toll. The lawyers need support and training.

Rape in conflict is not new. It was not new when it was widely used in the conflicts of the previous century. If its use is in part because of the concept of women as property, that is hard-wired—as old as the hills, maybe, but that is not to be defeatist; wiring can be changed—but so is the response hard-wired, which is why it is such a powerful tactic. It humiliates, as has been said. It undermines morale, as well as being used as a form of ethnic cleansing. My noble friend Lady Tonge called it a step towards genocide. Stigma and ostracism are not accidental outcomes, and I was struck by the observation of the noble Lord, Lord Bates, that those who are injured in different ways in war are often regarded as heroes.

Of course, support has to be culturally appropriate. If a survivor is to be supported and empowered to give the best evidence and not to be re-victimised or re-traumatised, it is critical to appreciate how his or her culture shapes the presentation. Our understanding of the neurobiology of trauma is also critical. That may sound like cutting-edge understanding, but the application may seem quite homespun. For example, a group of women in Afghanistan could not articulate their experiences and so could not access appropriate medical help—until they focused on something quite different. They sat together knitting, and gradually they began to be able to articulate it and to start the journey to recovery. That work was led by a team which understood trauma.

I have one more story as a proxy for all those who are stigmatised. A woman, who I know is not alone in her experience, was in her home city of Aleppo at a friend's house when she got news that her home had been hit by a bomb. Distraught, she rushed out, forgetting to cover her head. Because of this "transgression", she was raped and was then disowned by her husband. She was assaulted by the very people she thought were there to protect her and her children, who witnessed the assault. Long-term support following such experiences is a very real requirement.

I do not for a moment dismiss the experiences of men and boys, but women and girls who have been in such situations, who have lost family through war, who are themselves very vulnerable, and who find themselves bread-winners, need practical support. I will end with something that is part of the support landscape—not the end of the story but one thing that can be done. I was cheered to hear that DfID is engaged in setting up skills training for women refugees in the Middle East. This is support and prevention.

I have deliberately confined my remarks to something rather low-level, perhaps, in a topic which is very broad and deep, as the report and the debate have illustrated, but that says to me that the depth of expertise and determination that is required is also very great.

9.33 pm

Lord Collins of Highbury (Lab): My Lords, I, too, thank the chair and all noble Lords who served on the committee for their work in maintaining the public profile of this vital subject. I also express my appreciation for the noble Lord, Lord Hague, whose work as Foreign Secretary was critical in raising the profile of this issue on the international stage. I also pay tribute to the Minister, in her role of special representative on preventing sexual violence in conflict, for continuing this vital work. I also welcome back the noble Lord, Lord Bates, who in his period of leave of absence raised £250,000 for UNICEF—so congratulations to him.

The critical issue in this debate flows from the committee's recommendation: how do we maintain momentum—not a word I like using particularly, but it is important—and ensure that we have the tools, sufficient resource and the political will? That is the key issue arising from the committee's report. As we have heard in tonight's debate, we must be tough not only on the crime but on its causes. We must tackle the underlying problem of a lack of empowerment, education and inclusion. The World Bank report found that apart from lack of education and a limited awareness of their rights, the main reason that women do not seek help is a perception that violence is normal and somehow justified. As we have heard, it remains the case that women are often too embarrassed and stigmatised to seek redress.

As the committee's report identifies, there remain grave problems with impunity in conflict-affected states. This reinforces and reflects the widespread social convention that serves to marginalise women. As we have heard, the UN recently reported evidence of conflict-related sexual violence occurring in 19 countries —clear enough evidence that it is not restricted to a particular place. It is endemic in warfare and needs to be tackled with the utmost vigour. A comprehensive approach is essential, including tackling and targeting the underlying gendered norms and behaviour that cause and perpetuate sexual violence. Just addressing stigma and prosecutions, as the Government are currently doing, will not prevent sexual violence in conflict. We need to address the gendered and social norms that cause such violence, so will the Government commit to a more comprehensive approach that works to genuinely and fully prevent sexual violence in conflict, including addressing the root causes?

In her introduction to the Government's response to the report, the Minister reminded us that she had visited a number of conflict and post-conflict countries over the last year, promoting PSVI and encouraging greater progress in its implementation. It would be helpful to know from the Minister tonight whether she

could identify those countries where she felt that most progress had been made and which factors were influencing that progress.

The noble Lord, Lord Hague, highlighted the words of the Government's strategic defence and security review of November 2015, which stated:

"The full attainment of political, social and economic rights for women is one of the greatest prizes of the 21st century, and central to greater peace and stability overseas".

Yet over the past 25 years, as we have heard, only one in 40 peace treaty signatories has been a woman, while between 1990 and 2010 only 12 out of 585 peace accords referred to women's needs in rehabilitation or reconstruction.

The Government's stated determination to ensure that in,

"all future UK-hosted peace-building events, we will identify women involved in the conflict and shine a torch on them to make sure their voices are heard",

is extremely welcome. However, to make real progress, as the noble Baroness, Lady Hodgson, highlighted, we need: concrete targets on increasing women in peace operations; a formal mechanism for peacekeepers to connect with NGOs and organisations representing women's rights; a commitment to resourcing gender analysis among peacekeeping operations to understand what local women are experiencing; and accountability for crimes by peacekeepers.

Your Lordships' Select Committee's report identified the lack of a mechanism to record and report on PSVI commitments as a serious concern with the initiative and the resulting work. Does the Minister not accept that, as the noble Baroness, Lady Hodgson, said, the UK national action plan on women, peace and security is the natural place for these commitments to be recorded and reported on, particularly given the annual report to Parliament and the long-term nature of the national action plan?

The UK will be developing its new national action plan in the coming 12 months. Will the Minister commit to integrating PSVI fully into the new national action plan, including its future work priorities and programmes? The noble Baroness, Lady Verma, spoke on one of the recommendations covering the value of PSVI work across Whitehall departments: DfID, the MoD, the Home Office and other departments. With the noble Baroness, Lady Verma, leaving the Government, will the Minister tell us who is covering the role of ministerial champion across these departments? I know that the Minister is currently undertaking a number of posts, but it would be a good idea to have some indication that there will be a champion who will be committed in the longer term within government across Whitehall departments.

Your Lordships' committee urged the MoD to publish its military policies on WPS and its incorporation into military doctrine. There was an indication in the Government's response that MoD officials were working on this and that it would be published in the autumn. I have not been able to trace any publication or publication date. Perhaps the Minister can inform us on this.

As we heard in the debate, sexual violence against men and boys has been reported in 25 armed conflicts over the past decade. I note from their response to the report that ending such sexual violence is a priority for the Government and is encompassed within their wider efforts to tackle sexual and gender-based violence. As the noble Lord, Lord Black, highlighted, the Government understand that tackling the root causes of this violence is key to its prevention. In their response, the Government acknowledge that people who face discrimination on the grounds of gender, age, sexuality, disability, ethnicity or other characteristics can be more vulnerable to sexual violence and may experience its impact differently. That is why, as my noble friend Lady Goudie said, DfID's funding of a major research programme on sexuality, poverty and law at the IDS is so important and vital. How will the Minister ensure that this work stream feeds into her role in championing the rights of the global LGBTI community? Will she tell us a bit more about progress in promoting decriminalisation, particularly, as the noble Lord, Lord Black, said, in Commonwealth countries? Has she had an opportunity to discuss this issue with the new Secretary-General? I know that it is a longer-term objective, but we need to understand the Government's strategy in trying to achieve it. It clearly impacts on the level of sexual violence in conflict.

The final issue I will address is funding. As my noble friend Lady Kinnock said, a short-term approach has never prevented the awful crimes that we have seen committed in conflict. PSVI has been continuously funding short-term projects. Sometimes the implementation period has been less than a year. If we are going to tackle sexual violence, it needs to be with strong, funded organisations, particularly women's organisations, on the ground. The work and the organisations need to be properly funded: they cannot rely simply on short-term, annual funding. Will the Minister commit to multiyear funding? Will she also commit to ensuring that funding reaches civil society organisations and women's rights organisations?

I conclude with the words of the noble Baroness, Lady Nicholson:

"Victory against this dreadful crime … can be achieved, but not without full commitment, a clear strategy and appropriate resources—we must ensure they are delivered".

9.45 pm

The Minister of State, Foreign and Commonwealth Office and Department for International Development (Baroness Anelay of St Johns) (Con): My Lords, I add my thanks to my noble friend Lady Nicholson for her expert chairmanship of the Select Committee and to members of the committee for their report and the opportunity we have to debate it tonight. In opening, my noble friend set out graphically the horrors experienced by those who are victims, but whom we also wish to assist to become survivors, of the appalling assaults upon them.

I am also delighted that my noble friends Lord Hague and Lady Helic have taken part in this debate, since it was they who put the preventing sexual violence in conflict initiative on such very firm foundations, gaining international support which endures to this day. I will say more in a moment about the funding and stress the fact that this initiative will endure.

Sexual violence in conflict harms individuals and harms societies. Stigma and impunity prevent survivors from seeking justice and communities from achieving

[Baroness Anelay of St Johns]

reconciliation. The Government agree with the Select Committee's view that sexual violence in conflict,

"must not, under any circumstances, be overlooked or condoned … it must be eradicated".

That is why ending sexual violence in conflict remains an important government priority. It is also a personal priority for me, as the Prime Minister's special representative on this issue. I make it clear that when the Prime Minister spoke to me on the weekend of 16 and 17 July, she asked me to be her personal representative, as I had been for David Cameron, to take up the cudgels on ending violence against women and girls, and to ensure that there would be no hiatus in that work, including when a new Minister may be appointed full-time to DfID. I gladly gave that commitment.

Since the launch of the PSVI, the UK has committed over £30 million to support projects in Bosnia, Colombia, the DRC, Iraq, Kosovo, Nepal and many other countries. That has delivered real impact. Each department has a different approach to how long projects may have their allocation of funding. One always has to look at what the impact of that funding is; sometimes, one can extend it. Recently in the FCO, we made sure that one particular pot of money—if I can call it that rather broadly—can now provide funding for two years instead of one. We have to be agile in the way that we approach funding.

Funding is not just from the FCO and the different streams there. It also comes from the Conflict, Stability and Security Fund, where significant funding is now available for PSVI and for eradicating violence against women and girls. Noble Lords concentrated on DfID, and my right honourable friend the Secretary of State for DfID has made it clear today that she will keep the 0.7% funding which we have already committed to in our manifesto and that she expects all the funding at DfID to be spent. It will be spent well, which is what she is trying to present to the world. We will make sure that the spending DfID commits to, as with that from the FCO and other departments, will go to deliver real results.

I expect the multilateral aid review to be published relatively soon. Although, as one knows with language here, that means I cannot give the exact date, it will give further information about funding. Funding is not only the right thing to do with regard to PSVI, it is the right thing because it provides greater stability. That has been the message from noble Lords today, which is why I hope that any Government would want to continue that funding. It is the impact it has on the stability of governance that is so striking.

In the DRC we will continue to fund counselling for survivors and training for faith leaders. We have already trained over 17,000 military and police personnel on sexual violence issues, including 10,000 troops from the African Union Mission to Somalia and almost 6,000 members of the Peshmerga. We plan to continue to fund that work.

Our team of PSVI experts has been referred to quite a lot this evening, which I am pleased to hear. It has been deployed overseas more than 80 times in places as diverse as the Syrian border, Iraq, the DRC, Libya, Bosnia and Herzegovina, Mali and Kosovo. The experts have provided and will continue to provide vital training to human rights activists, healthcare professionals, members of the judiciary and the military. The training covers how to document and prosecute crimes of sexual violence, how to support survivors and how to protect civilians from human rights violations. I assure my noble friend Lady Helic and others that we will continue our support for the TOE and develop its use further.

We have launched the first ever international protocol on the documentation and investigation of sexual violence in conflict, which has become the benchmark for best practice in this field. It is the key to ending impunity and ensuring greater accountability. Its accessibility is being expanded now through new translations: it is available in 10 languages including Arabic, Bosnian, Burmese, Kurdish, Serbian and Swahili. We are now revising the protocol to make sure that we have new guidance on male and child survivors and to make it easier to use. I assure my noble friend Lord Black and the noble Lord, Lord Collins, that we look very carefully at the needs of men and boys as well as those of women and girls. They are right to point out that those in the LGBTI community, and those who are not but who are assaulted because they are men and boys, sometimes have great difficulty reporting it because of the criminalisation of male sexual activity. That is something that we very much take to heart. The revision process for the protocol is due to be completed by early next year.

Initiatives, projects and protocols are all very well, but the impact of our work can be understood only when, as so many noble Lords have described today, one meets those who have survived sexual violence and hears from them directly how help to them can change their lives. Since my appointment as the Prime Minister's special representative, I have travelled to many parts of the world afflicted by sexual violence. I have met survivors whose courage is shaming and knows no bounds. In Nigeria I met members of the Bring Back Our Girls group, campaigning for the return of the 276 Chibok girls kidnapped by Boko Haram in 2014. As the noble Baroness, Lady Kinnock, encouraged us in this House at Question Time, we must never forget them and never give up. Even if those girls are released or escaped, their suffering will not end there, as often they are treated with suspicion. The stigma that they face robs them of the support that they need and steals away their hope for the future. We must do our best to put that right, and through our funding in Nigeria we do just that. In Bosnia and Herzegovina I met women who, 20 years after the abuses took place, still have not been able to talk about them to their husbands, families or friends, yet I found they were prepared to share their stories with me, a complete stranger. It showed me how important it was for their experiences to be heard and their suffering recognised.

Reference has been made on several occasions today to Colombia. It is very much in our minds because of the peace agreement with FARC that has been rejected in a referendum. I know we all wish that country well and hope that peace may yet be formally found but that in the mean time it may be kept by FARC, the Government and paramilitaries.

I assure the House that our embassy in Bogota is helping to amplify the voice of survivors and to help them in their communities across every region of Colombia, because noble Lords are right to point out that it is not merely a matter of the FARC; paramilitaries also carry out violent attacks. Our embassy there is working to address the problem of how the media stereotype the victims of sexual violence. We will continue our support for that work in Colombia, and I undertake to carry forward the suggestion that when President Santos is in the UK in November, he may be able to find time in his very heavy schedule to make contact with NGOs. If not, I undertake to see what we can do on that in Colombia itself. I know that he takes to heart human rights: I have heard him say that in front of me in this House.

In the DRC, to which many noble Lords referred, I met a courageous young woman who told me she had been raped and tortured. When she looked to her family for support, they shunned her because of the stigma of rape. Despite the terrible trauma she had suffered, it was with the support of her local church and other faiths that this young woman went on to become a teacher. I am proud of the support we are able to give to organisations which maximise the co-operation of faith groups—organisations such as Tearfund. I am also grateful to those who provide healthcare, organisations such as HEAL Africa in Goma. More recently, I met Dr Mukwege, and praised him for his work. They not only literally rebuild communities, they rebuild victims' bodies, but we also need to rebuild their minds because of the trauma they face.

My noble friend Lady Verma and the noble Baroness, Lady Tonge, were right to remind us how important it is that we work together to ensure the safety of those who are IDPs or in refugee camps. We do that through some of the programmes we fund which are delivered by both UN agencies and NGOs. I visited one such project on the outskirts of Irbil in the Kurdistan region of northern Iraq. Recently, when I was in Geneva, I was able to discuss the issue of safety of refugees when I met the High Commissioner for Refugees, Filippo Grandi.

Stories of communities turning their backs on survivors are sadly not at all uncommon. The work we can do is vital to remove that stigma, because stigma not only prolongs survivors' suffering, it can delay reconciliation and threaten stability in an already fragile community. The noble Lord, Lord Collins, and my noble friend Lord Black referred to the importance of looking at the causes of stigma, and considering the decriminalisation of same-sex relations. That is essential worldwide, including in the Commonwealth. I assure the noble Lords that I have been discussing this during the whole of the Summer Recess, when I have been travelling overseas but also here in London, with representatives of countries which still criminalise these activities. We must work towards decriminalisation.

I have been trying to set out why stigma remains one of the greatest barriers that we need to face and why my priority now is to address stigma. I am determined to change the harmful attitudes, the cultural and social norms, which cause stigma—to go to the root cause, as noble Lords have asked. I continue to take our message on stigma to countries affected by sexual violence. Very shortly, I hope to visit Burma and Sri Lanka on these matters.

Understanding the challenges in different countries is the first step. We are indeed continuing to hold workshops in Colombia, the DRC, Iraq, Kosovo and Nepal, and planning others in Somalia and Nigeria. We know that the best way to achieve our goals is by involving as many local groups and organisations as possible, so these workshops will bring together survivors, community leaders, media representatives, legal experts, Governments and others. With the findings of these workshops, together with information shared by civil society and our international partners, we will then draw up an action plan.

An expert-led conference at Wilton Park in late November will take this work forward. The conference will also help to ensure that UK support, such as the PSVI team of experts and project funding, is better targeted and uses our network of 18 PSVI champion countries more effectively. It is essential that we work together and work for the future.

The noble Baroness, Lady Kinnock, and one or two others raised the issue of healthcare, and particularly the matter of abortion. Perhaps I can give a little information about DfID policy on this. Due to the time I shall try to be brief. DfID policy is that in countries where abortion is permitted, we can indeed support programmes that make safe abortion more accessible. We can do that, and we do. We can also help make the consequences of unsafe abortion more widely understood and can consider supporting processes of legal and policy reform. I would be very happy to discuss that matter further in more detail because, obviously, it depends on countries and needs.

Baroness Tonge: I thank the Minister for giving way. Before she leaves the subject of abortion could she please address the problem of the USA and the Helms amendment and say whether the Government will put any pressure on perhaps the new Administration there to change this?

Baroness Anelay of St Johns: My Lords, I am not going to get drawn into who might win. I will make a decision once we know what the result is and we see what their priorities are. I can say that as a result of the discussions on the sustainable development goals and the inclusion of a goal with regard to women and their safety, it is important around the world that women's health is put very much at the front of any policy-making with regard to assisting the survivors of violence. Indeed, women's health is vital anyway. I very much appreciate the words of my noble friend Lord Hague about the empowerment of women. That goes to the heart of it. He got it absolutely right.

I was asked in particular about the Istanbul convention by my noble friend Lady Helic, and I am thinking of the international work that we do. I am raising that matter later this week with the Home Office when I attend the cross-departmental group on violence against women and girls. I understand that there are one or two residual issues on which we need legislation, so I shall be pressing hard and I shall use her voice to help me to do that.

[Baroness Anelay of St Johns]

As noble Lords have said tonight, the whole point is that those who survive need to feel that they are seeing justice, however they define that. Survivors define it in so many different ways. They need to know that the perpetrators will be held to account. They need to know that justice has a long memory and a long arm and that one day it will come knocking on their door. I give an undertaking now that not only am I working on that but the Foreign Secretary has made it crystal clear at the United Nations General Assembly that he is determined to do that too. We also need to ensure that, when tackling the perpetrators, we do not exclude members of peacekeeping forces, because they must not exercise sexual exploitation and abuse either. The current UNSG has made it clear that there is zero tolerance. I have not yet managed to speak to Antonio Guterres, who was named as the successor last Friday. He takes over in January. Certainly from his previous utterings, I would expect him to have the same view.

Reference has been made to the training of security personnel and the importance of the role of women in peacekeeping. When we responded to the report we made it clear that in,

"arranging all future UK-hosted peace-building events, we will identify women involved in the conflict and shine a torch on them to make sure their voices are heard. We will promote the active participation of women in such discussions through political and/or financial support".

We will continue to do that. We will maintain that commitment.

I conclude by again thanking members of the committee for their report, and all those who contributed to the debate. In answer to many points made, this is not just me and not just the Foreign Office—it is a matter of working across all departments in government. We face tremendous challenges, but they are the challenges that need to be faced. We cannot do it alone; we need to do it together, internationally, and this Government must maintain the lead set by my noble friends. We embrace challenging ambitions—but, my goodness, we owe it to the victims and survivors to carry them through. My father always used to say, "There's no such word as 'can't'—it's 'won't'". I won't say "won't"; I will say "I will".

10.05 pm

Baroness Nicholson of Winterbourne: I thank the Minister immensely for her rich and robust reply, which has given us much to work on in partnership. Across your Lordships' House this evening, there has been a complete singularity of purpose. Therefore, in partnership we can do a whole lot more. The noble Lord, Lord Hague of Richmond, started off by saying, "Let's do something". Now, let us do something more—that is the next step. I thank the Minister and everyone who has spoken. I look forward to the next round. We have an APPG meeting next Wednesday, where we will launch a campaign.

Motion agreed.

House adjourned at 10.06 pm.